

Farmer's guide to environmental rules in the Waikato region

Ko tā te kaipāmu pukatohu mō
ngā ture taiao i te rohe o Waikato

Disclaimer

This is a guide only. It is not a comprehensive list of all activities or a complete and detailed copy of the conditions of the activity rules. Note that some activities may be defined differently in different regulations.

To ensure you are familiar with all the relevant rules and their conditions you should use this guide in conjunction with the National Environmental Standards for Freshwater 2020 and the *Waikato Regional Plan*.

You can view the National Environmental Standards for Freshwater 2020 and the *Waikato Regional Plan* (and any proposed plans) on our website or by calling 0800 800 401 (8am–5pm weekdays).

There are likely to be changes made to this document over time. For the most recent version, visit waikatoregion.govt.nz/forfarmers.





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About this guide

Mō tēnei pukatohu

At the time of writing this guide, the environmental regulations affecting farmers in the Waikato region are in a state of change and this is likely to continue. Nationally, there is a continuing focus on improving water quality, and acceptance that some farming practices decrease water quality. Although many farmers are voluntarily making good progress to reduce their environmental footprint, consistent regulations are needed to ensure everyone does their bit to stop further degradation of fresh water and improve its quality.

A previous version of this guide was written to summarise the rules in the *Waikato Regional Plan*. First notified in 1998, having legal effect since, the *Waikato Regional Plan* finally became fully operative in 2007. Since then, other rules have been developed that also apply to farming. In late 2020, central government released its Essential Freshwater package of regulations that apply to farming nationally. The package includes:

- a more stringent National Policy Statement for Freshwater Management (NPS-FM).
- the National Environmental Standards for Freshwater (NES-F), setting nationally consistent rules for some higher risk farming activities
- regulations setting out nationally consistent requirements for excluding livestock from rivers, lakes and wetlands.

The purpose of this guide is to provide, in plain language as much as possible, up-to-date information about the rules for the activities that farmers commonly undertake, and whether these activities are permitted or need a resource consent. It is important to remember that even activities that are permitted without consent will require certain conditions to be met. It also gives you a reference number for each rule so you can easily look up the full wording of the rules.

Activities associated with the harvesting of forest tree species, deliberately planted for commercial harvest, are exclusively regulated by the National Environmental Standards for Plantation Forestry and are not addressed in this guidance document. For more information on these activities, please go to [waikatoregion.govt.nz/nesp/](https://www.waikatoregion.govt.nz/nesp/).

Lastly, some requirements are subject to ongoing change in the near future. This includes freshwater farm plans and *Waikato Regional Plan Change 1: Waikato and Waipā river catchments*. Recognising this, the content of this guide focuses on the requirements that are most relevant and will be updated as additional provisions are finalised.

This guide covers the key requirements at the date of publication for the following activities:

- structures in waterways
- livestock exclusion from waterbodies
- earthworks, vegetation clearance, tracking and land disturbance activities
- drain construction and cleaning
- fertiliser
- agrichemicals
- composting and burning
- dumps and offal holes
- activities in or near natural wetlands
- farm animal effluent, feedlots and stock holding areas
- land use change, irrigation and agricultural intensification
- intensive winter grazing
- constructed wetlands and sediment detention bunds
- taking and using water.

We can help

If you are in any doubt about the National Environmental Standards for Freshwater and the *Waikato Regional Plan* rules and how they apply to your farming activities, please call us on 0800 800 401.

More information

waikatoregion.govt.nz/regionalplan

waikatoregion.govt.nz/essential-freshwater

environment.govt.nz/factsheets-on-policies-and-regulations-in-the-essential-freshwater-package

Types of rules

Under the Resource Management Act, commonly referred to as the RMA, there are different types of rules, each with their own 'activity status'. It is your responsibility when carrying out the activity to know the 'activity status' you are operating under and meet any requirements of that rule.

You can complete some types of activities without seeking council permission first. These are termed a 'permitted activity'. These activities are allowed to be carried out without need for a specific resource consent, provided you meet all of the conditions of that permitted activity rule. Permitted activities have generally been assessed as being of low risk to the environment, provided the conditions that go with the permitted activity rule are followed.

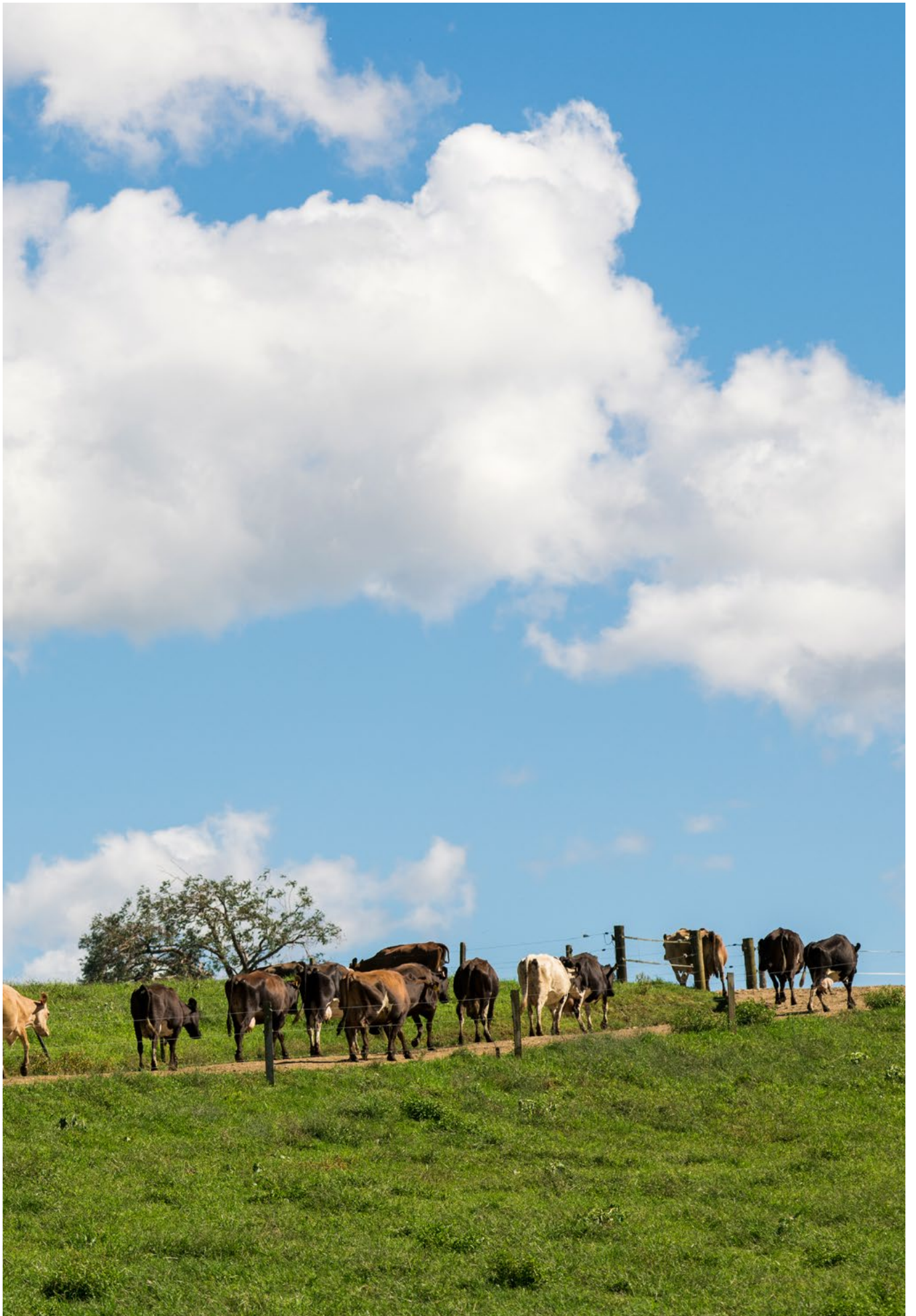
If you cannot carry out an activity meeting all of the conditions of a permitted activity rule, you may still be able to do the activity, but you will need to apply for a resource consent first. The resource consent process gives you the ability to demonstrate to the council how you will manage the potential environmental risks from your activity. If granted, a resource consent will include conditions that you have to meet, designed to minimise the risk of your activity to the environment. Activities that require consent have an activity status of either 'controlled', 'discretionary' or 'non-complying', which correspond to increasing potential risk to the environment and increasing complexity of both getting the consent and the stringency of the conditions.

A very small number of activities are 'prohibited' because, no matter how they are done, they are harmful to the environment. Prohibited activities are not allowed to be undertaken and you can't apply for a resource consent for these activities.

All of the above types of rules can be included in a regional plan and NES.

The government can also set rules under the RMA called regulations. Regulations set out minimum standards for how certain activities must be done.

We understand this regulatory framework can be complex, but it is important to get it right to both protect the environment and ensure you do not inadvertently breach environmental regulations, which can incur enforcement action under the RMA.



01

Structures in waterways

Ngā hangahanga i
ngā arawai

Structures commonly installed in waterways include dams, weirs, culverts, bridges and fords.

1.1 Dams and damming water

Unlike weirs, dams don't discharge water over the dam face, but instead divert water around the dam through a spillway built next to the dam structure. Any dams in a river or stream will need a resource consent. However, under the *Waikato Regional Plan* you can construct, reconstruct, alter or extend a dam as a permitted activity on:

- any off-stream area on your property – including artificial waterbodies, dry gullies or depressions
- any ephemeral stream or river – that is, a stream or river on your property that flows for at least three months between March and September but doesn't flow all year.

Dams can cause erosion, contribute to flooding and pose a hazard to downstream landowners. To reduce the adverse effects and be a permitted activity, you must ensure:

- the catchment area draining into your dam is less than 1km² (100ha)
- the water depth in the pond is no more than 3m
- that your dam holds no more than 20,000m³ of water
- your dam doesn't affect any significant geothermal features
- your dam isn't constructed in a cave system.

You must also comply with all the conditions outlined in the *Waikato Regional Plan*. The key conditions are noted below.

Key conditions	
To be a permitted activity	WRP rule or NES-F reg number
You can't dam any permanently flowing waterbody or any waterbody that is classified as 'natural state' on <i>Waikato Regional Plan</i> maps.	WRP 3.6.4.4
The dammed water must not raise water levels on neighbouring properties.	WRP 3.6.4.4 WRP 3.6.4.5
Your dam or the discharge of water from it must not lead to land instability.	WRP 3.6.4.4
You must repair any erosion or scouring caused by your dam or the discharge of water from it as soon as possible.	WRP 3.6.4.4 WRP 3.6.4.5
You must construct a spillway to prevent the dam from being overtopped.	WRP 3.6.4.4 WRP 3.6.4.5
The spillway must be constructed on previously undisturbed ground (the underlying parent material), and it must be able to pass the probable maximum flood.	WRP 3.6.4.4 WRP 3.6.4.5
Your dam must be kept in a structurally safe and sound condition at all times.	WRP 3.6.4.4 WRP 3.6.4.5

The amount of sediment that can discharge from this activity is very restricted and must not breach the suspended solids discharge standards. We can provide information on the standards that apply.	WRP 3.6.4.4 WRP 3.6.4.5 WRP 4.2.21
You must not disturb any identified archaeological or wāhi tapu (sacred) site. If any archaeological or wāhi tapu site is discovered while works are in progress, you must stop the works immediately and notify Waikato Regional Council. You cannot recommence work without approval from Waikato Regional Council.	WRP 3.6.4.4 WRP 3.6.4.5
For new dams (built after 2/9/2020) you must complete the “Notification for new structures in the bed of any river or connected area” on the Waikato Regional Council website within 20 working days. Visit waikatoregion.govt.nz/consent-application-forms .	NES-F 62 NES-F 66

1.2 Culverts

Culverts on your property must not affect water flow and quality, bank stability, aquatic life, fish passage or other people.

You must comply with all the conditions outlined in the NES-F, and the *Waikato Regional Plan*. The key conditions are noted below.

Key conditions	
To be a permitted activity	WRP rule or NES-F reg number
The upstream catchment area must not be greater than 100ha.	WRP 4.2.9.2
Culverts must not be installed in any waterbody that is classified as ‘natural state’ on <i>Waikato Regional Plan</i> maps.	WRP 4.2.9.2
Culverts must not discharge outside the natural catchment.	WRP 4.2.9.2
Culverts must be designed to ensure safe passage of flood flows during a one in 50 year flood event.	WRP 4.2.9.2
The structure must be fixed in place and kept in a structurally safe and sound condition.	WRP 4.2.9.2
The structure must not contribute to flooding on neighbouring properties, and any erosion around the structure must be repaired as soon as possible.	WRP 4.2.9.2
You must not disturb any identified archaeological or wāhi tapu (sacred) site. If any archaeological or wāhi tapu site is discovered while works are in progress, you must stop the works immediately and notify Waikato Regional Council. You cannot recommence work without approval from Waikato Regional Council.	WRP 4.2.9.2
The culvert must provide for the same fish passage upstream and downstream that would exist without the culvert.	NES-F 70

The culvert must be laid parallel to the slope of the bed of the river.	NES-F 70
The speed of water in the culvert can't be more than in the surrounding river.	NES-F 70
The width of the culvert (at bed level) must be: <ul style="list-style-type: none"> at least 1.3 times the width of the river bed if the river bed is less than 3m wide; or at least 1.2 times the width of the river bed, plus 0.6m, if the river bed is wider than 3m. 	NES-F 70
The culvert must either be: <ul style="list-style-type: none"> open bottomed; or placed so at least 25 per cent of the diameter of the culvert is below the bed level of the river. 	NES-F 70
The normal bed substrate of the river must be present within the full length of the culvert and stable at the flow rate which the river flows at 80 per cent of the time.	NES-F 70
The culvert must not impede the natural movement of sediment and debris down the river.	NES-F 70
For new culverts (built after 2/9/2020) you must complete the "Notification for new structures in the bed of any river or connected area" on the Waikato Regional Council website within 20 working days. Go to waikatoregion.govt.nz/consent-application-forms .	NES-F 62 NES-F 63

1.3 Bridges

Bridges on your property must not affect water flow and quality, bank stability, aquatic life or other people.

You must also comply with all the conditions outlined in the *Waikato Regional Plan*. The key conditions are noted below.

Key conditions	
To be a permitted activity	WRP rule or NES-F reg number
You can construct bridges for stock and farm vehicles without a resource consent, but only if they're single span and no longer than 10m.	WRP 4.2.8.1
If a bridge is to be located in a flood control or drainage area managed by Waikato Regional Council or your local council, you must notify Waikato Regional Council in writing at least 10 days before construction.	WRP 4.2.8.1
The underside of the bridge beams must be at least 0.5m higher than the stream banks or at least 0.5m above the one in 50 year flood level, whichever is lowest.	WRP 4.2.8.1
The structure must be fixed in place and kept in a structurally safe and sound condition.	WRP 4.2.8.1
The structure must not contribute to flooding on neighbouring properties, and any erosion around the structure must be repaired as soon as possible.	WRP 4.2.8.1

You must not disturb any identified archaeological or wāhi tapu (sacred) site. If any archaeological or wāhi tapu site is discovered while works are in progress, you must stop the works immediately and notify Waikato Regional Council. You cannot recommence work without approval from Waikato Regional Council.	WRP 4.2.8.1
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1.4 Fords

Fords are artificial shallow structures in contact with most of the bed of a river, that are designed to allow the river to be crossed by vehicles or livestock. Fords typically create a very shallow flow of water across the ford surface, and often have a vertical drop into the stream on the downstream side. Fords can be significant barriers to fish movement upstream.

Key conditions	
To be a permitted activity	WRP rule or NES-F reg number
You can't put a ford in any waterbody that is classified as 'natural state' on <i>Waikato Regional Plan</i> maps, or in any waterbody that is a significant geothermal feature.	WRP 4.2.11.1
The entry and exit points of the structure must have hard and stable banks and be maintained to prevent erosion.	WRP 4.2.11.1
The ford must not contain pipes or culverts (you will need to get a resource consent for a culverted ford).	WRP 4.2.11.1
The ford must not increase water velocity or water level across the structure, raise the level of the bed, or obstruct the flow of water down the channel.	WRP 4.2.11.1
If the ford is used as a livestock crossing, the livestock must be supervised and actively driven across the ford, and they must not cross the same river or lake more than twice per month.	RMA Stock Exclusion Regulations
The ford shall provide for safe passage of fish both upstream and downstream.	WRP 4.2.11.1
The amount of sediment that can be discharged during construction or use of the ford is very restricted and must not breach the suspended solids discharge standards. We can provide information on the standards that apply.	WRP 4.2.11.1 WRP 4.2.21
You must not disturb any identified archaeological or wāhi tapu (sacred) site. If any archaeological or wāhi tapu site is discovered while works are in progress, you must stop the works immediately and notify Waikato Regional Council. You cannot recommence work without approval from Waikato Regional Council.	WRP 4.2.11.1
For new fords (built after 2/9/2020) you must complete the "Notification for new structures in the bed of any river or connected area" on the Waikato Regional Council website within 20 working days. Go to waikatoregion.govt.nz/consent-application-forms .	NES-F 62 NES-F 66

1.5 Passive flap gates

Passive flap gates open or close as a result of water levels on either side of the flood gate. Such structures represent a significant barrier to native fish migration. Any new flap gate built after 2 September 2020 will require a resource consent under regulation 74 of the NES-F.

Hints

- To construct a bridge, you may also need a building consent from your local council. Check with them first.
- 'Natural state' waterbodies are typically located in bush areas and the headwaters of catchments.
- To calculate the upstream catchment size, you need to refer to a topographical map which shows all the water courses upstream of the proposed structure. Draw a catchment boundary starting at the structure site and following the divide between the identified water courses and others (follow the tops of ridges where they are evident), finishing back at the proposed structure. You can then measure the area in the catchment boundary.
- The information requirements of the NES-F that must be provided to the regional council can be met by completing the relevant information form on the council's website: waikatoregion.govt.nz/consent-application-forms.

Building Act

- In addition to complying with the permitted activity rules and conditions, all new or altered dams are required to comply with the building code, and where they are defined as a "large dam" in the Building Act, they will require a building consent. The Act refers to "large dams" as having a height of 4m and holding capacity of 20,000m³. The height of a dam is measured from the lowest point (stream bed or toe of dam) to the highest point on the dam crest. The holding capacity is measured from the dam crest. We recommend you contact Waikato Regional Council's Building Act Project Manager to discuss your requirements.
- We can provide guidelines for the construction of culverts, dams and spillways.

Useful resources

On our website

- www.waikatoregion.govt.nz/forfarmers
- Best practice guidelines for waterways and crossings: waikatoregion.govt.nz/TR200625R
- Dams, safety requirements and building consents: waikatoregion.govt.nz/Dams-safety-requirements-and-building-consents

On other websites

- New Zealand Fish passage guidelines for structures of up to 4 metres
niwa.co.nz/freshwater-and-estuaries/research-projects/new-zealand-fish-passage-guidelines

Be aware

This is not a complete and detailed copy of the conditions of the permitted activity rules for structures in waterways. It is only a guide and should be used in conjunction with the NES-F and the *Waikato Regional Plan*, which can be found on our website. Printed copies of the plan and other associated documents can be ordered online or by calling us on 0800 800 402.

If you comply with all the conditions of the permitted activity rules outlined in the NES-F and the *Waikato Regional Plan* at all times, you do not need a resource consent for these activities. If, for any reason, you are unable to comply with the conditions, you are required to obtain a consent.

Please remember that activities on your farm may also be restricted by other documents, such as your local council's district plan.

Failure to comply with the conditions of the permitted activity rules, or the conditions of a consent, is an offence and may result in enforcement action by Waikato Regional Council.

If you are unsure about how to comply with the conditions or need further information, please call us.

02

Livestock exclusion from waterbodies

Te aukati kararehe i ngā wai

Under the *Waikato Regional Plan*, farmers need a resource consent to authorise livestock to access the bed or banks of any waterways within defined “livestock exclusion areas”. Outside of these exclusion areas, livestock access to the bed or banks of any water is permitted only if strict conditions were met.

Waikato Regional Plan Change 1: Waikato and Waipā river catchments proposes more stringent stock exclusion, but at the time of writing appeals on the plan change were yet to be finalised, so the rules are not yet operative and may change. For this reason, the following guidance focuses on the requirements within regulations for stock exclusion.

In September 2020, the Government released new livestock exclusion regulations that apply nationwide. The regulations require farmers to exclude cattle, pigs and deer from lakes, rivers (includes streams and some drains wider than 1m) and all stock from some natural wetlands, within set timeframes. Under the regulations, there is no ability to apply for a resource consent to delay or avoid complying with the stock exclusion requirements.

The requirement to exclude stock, and subsequently to install fences, does not authorise any benching or earthworks to install fences at the most convenient or preferred location. If you are planning to install a fence and you want to do some benching or earthworks on the fence line, you must follow the earthworks and tracking rules set out in this guide on page 19. If you can't meet those rules, you will need to either use a different location or a different installation method for your fence, or apply for a resource consent.

2.1 Waikato Regional Plan: Livestock exclusion areas

Under current regulation, your livestock must be excluded from any waterbody mapped as a ‘livestock exclusion area’.

Information on the location of these areas can be found in 4-1 of 4.3.5.3 of the *Waikato Regional Plan* or as shown in Waikato Maps on our website: waikatoregion.govt.nz/maps. In general they include:

- any stream flowing into Lake Taupō
- tidally influenced portions of some mapped rivers and streams flowing into a harbour or estuary
- margins of significant wetlands in the region and most Waikato peat lakes
- some specified streams in the Coromandel Peninsula and other specified streams throughout the region.

Unless you hold a resource consent for the activity, if you are situated in the mapped locations above and have stock that are not excluded from these waterways, please exclude stock as soon as possible.

2.2 National stock exclusion regulations: Lakes and rivers

The Resource Management (Stock Exclusion) Regulations 2020 require that some types of livestock must be excluded from wide rivers (includes streams and some drains wider than 1m), and from all lakes. The regulations also require that some types of livestock must use dedicated bridges or culverts to cross a wide river or lake. The dates for compliance with the exclusion and crossing requirements vary according to the stock type and location.

Key requirements: Stock exclusion lakes and rivers		
Stock exclusion requirements from lakes and rivers (Resource Management (Stock Exclusion) Regulations 2020)	Due date for existing farms	Due date for newly converted farms**
<p>The following stock must be excluded from rivers (>1m wide) and lakes by the due date:</p> <ul style="list-style-type: none"> • dairy cattle on any terrain • pigs on any terrain • beef cattle grazing intensively* on any terrain • deer grazing intensively* on any terrain. 	1 July 2023	3 Sep 2020
<p>The following stock must be excluded from rivers (>1m wide) and lakes by the due date:</p> <ul style="list-style-type: none"> • dairy support stock on any terrain • beef cattle on low slope land • deer on low slope land. 	1 July 2025	3 Sep 2020
New fences installed to achieve stock exclusion after 3 September 2020 must provide for a 3m setback from the lake or river.	3 Sep 2020	3 Sep 2020

Key requirements: Stock crossings lakes and rivers		
Stock crossing requirements (Resource Management (Stock Exclusion) Regulations 2020)	Due date for existing farms	Due date for newly converted farms
<p>The following stock must use a dedicated bridge or culvert to cross rivers (>1m wide) and lakes by the due date:</p> <ul style="list-style-type: none"> • dairy cattle on any terrain • pigs on any terrain • beef cattle grazing intensively* on any terrain. 	1 July 2023	3 Sep 2020
<p>The following stock must use a dedicated bridge or culvert to cross rivers (>1m wide) and lakes by the due date:</p> <ul style="list-style-type: none"> • dairy support stock on any terrain • beef cattle on low slope land. 	1 July 2025	3 Sep 2020
<p>Exception to stock crossing requirements:</p> <p>Stock do not need to use a bridge or culvert to cross rivers (>1m wide) and lakes if:</p> <ul style="list-style-type: none"> • they are supervised and actively driven across • they do not cross the same river or lake more than twice per month. 		

*Grazing intensively means break feeding, or grazing forage crops, or grazing pasture irrigated in the previous 12 months.

**Note that new conversions of farmland is subject to regulatory control – see the section in this guide on land use change and agricultural intensification on page 45.

2.3 Natural wetlands

The Resource Management (Stock Exclusion) Regulations 2020 require that all livestock must be excluded from certain natural wetlands.

Key requirements for stock exclusion: Natural wetlands		
Stock exclusion requirements from wetlands (Resource Management (Stock Exclusion) Regulations 2020)	Due date for existing farms	Due date for newly converted farms
All livestock must be excluded from any of the natural wetlands identified in section 3.7.7 of the <i>Waikato Regional Plan</i> by the due date.	1 July 2023	3 Sep 2020
All livestock must be excluded from natural wetlands that support a population of threatened species, as identified in a regional plan, by the due date.	1 July 2025	3 Sep 2020
All livestock on low slope land must be excluded from any natural wetland that is 500m ² (0.05ha) or more in size by the due date.	1 July 2025	3 Sep 2020

2.4 All other waterways

Livestock access to all other waterbodies in the Waikato region is subject to strict conditions under the *Waikato Regional Plan* to protect water quality. The key conditions are noted below.

Key conditions	
To be a permitted activity	WRP rule or NES-F reg number
Your livestock must not reduce the water clarity or increase the suspended solids concentration of the waterbody by more than 10 per cent.	WRP 4.3.5.4
You must repair any erosion caused by your livestock as soon as possible.	WRP 4.3.5.4
You must provide practical measures to discourage livestock from spending time in the beds or on the banks of waterbodies. Some examples of the practical measures you could take are listed in the advisory notes.	WRP 4.3.5.4

Hints

- Use bridges or culverts as crossings, rather than allowing your livestock to directly enter waterbodies.
- You can deter livestock from spending time in the stream bed and grazing the bank by fencing off stream banks and providing clean drinking water, shelter and shade away from streams.
- Make sure all crossings have hard entry and exit points and provide as direct a route as possible over any waterbody. Crossings should also be shaped so effluent runs off onto grass and not into waterbodies.
- In some circumstances, where fencing is not an option, sheep only areas may be considered.
- The best way to manage riparian areas for long term sustainability is to plant shrubs and trees to shade out weeds. Get professional advice on which plants to use, as some can exacerbate flooding. If spraying to control weeds, ensure you use a water safe herbicide and do not spray over the water.
- Some financial assistance with stream fencing and riparian planting may be available in priority catchments. Ask your regional council catchment management officer if you're eligible. Your catchment management officer can also help you develop a plan for these and other restoration and protection works on your property, including:
 - fencing forest fragments
 - planting in retired areas
 - planting for erosion control.
- Landowners can access quality, eco-sourced plants at a competitive price through Waikato Regional Council's Native Plant Supply scheme. Plant order forms are sent out in early February and orders need to be returned before the end of March.

Useful resources

On our website

- waikatoregion.govt.nz/forfarmers

Be aware

This is not a complete and detailed copy of the conditions of the permitted activity rules and stock exclusion regulations. It is only a guide and should be used in conjunction with the *Waikato Regional Plan* and the Resource Management Act (Stock Exclusion) Regulations 2020.

You can find the *Waikato Regional Plan* and stock exclusion regulations on our website.

If you comply with all the conditions of the stock exclusion regulations 2020 and the permitted activity rules outlined in the *Waikato Regional Plan* at all times, you do not need a resource consent for these activities. It is an offence not to comply with the stock exclusion regulations 2020.

Please remember that activities on your farm may also be restricted by other documents, such as your local council's district plan.

Failure to comply with the conditions of the permitted activity rules, or the conditions of a consent, is an offence and may result in enforcement action by Waikato Regional Council.

If you are unsure about how to comply with the conditions or need further information, please call us.

03

Earthworks, vegetation clearance, tracking and land disturbance activities

Te ketu whenua, te whakarake otaota, te hanga ara me ngā mahi tahurihuri whenua

Earthworks and vegetation clearance must be managed so they don't cause erosion, pollute our region's water or affect other people. This section also applies to roading, and tracking and benching activities associated with installing fences. The rules are stricter in areas where there is greater risk of erosion or close to sensitive environments, such as wetlands.

3.1 High risk erosion areas

In high risk erosion areas, you can carry out some small scale earthworks or vegetation clearance without a resource consent, providing:

- the volume of the earthworks is less than 250m³
- the earthworks cover less than 0.2ha
- roads and tracks are less than 100m long
- cut slope batters are less than 3m high and 30m long
- the vegetation being cleared is less than 1ha
- the vegetation being cleared is within 5m, on either side of the banks of a waterbody, and is less than 50m in length per kilometre of the waterbody
- you're clearing planted production forests or plant pests specified in the Regional Pest Management Plan (for example gorse or blackberry).

The key conditions for earthworks and vegetation clearance are noted on the next page.

To find out what high risk erosion areas are, see the hints.

3.2 Outside wetlands and high risk erosion areas

Outside high risk erosion areas and away from wetlands you may be able to carry out larger scale earthworks or vegetation clearance without a resource consent, but only if the activities comply with all the permitted activity conditions.

In karst landscapes (limestone areas, caves and sinkholes), earthworks and vegetation clearance can be carried out without a resource consent if you're more than 10m away from a sinkhole or cave entrance.

In geothermal areas, earthworks and vegetation clearance can be carried out without a resource consent if you're more than 20m away from a geothermal feature.

In some specified catchments in the Coromandel Peninsula, you can clear vegetation without a resource consent, but if land slope is more than 20 degrees, you may not clear more than 50ha in any year.

In all cases, you must comply with all the conditions outlined in the *Waikato Regional Plan*. The key conditions for earthworks and vegetation clearance are noted on the next page.

Key conditions	
To be a permitted activity	WRP rule or NES-F reg number
You must install controls to prevent erosion and sediment runoff during the earthworks and after they've been completed. Controls include silt fences, cut-off drains, surface mulch and stormwater settling ponds. Any erosion that occurs as a result of your works must be repaired as soon as possible and you must revegetate the whole site within 6 to 12 months.	WRP 5.1.5
You must design and install cut-offs or culverts to prevent scouring, gullyng or other erosion.	WRP 5.1.5
The amount of sediment that discharges from your activity is very restricted and must not breach the water standards for that waterbody. We can provide maps and information on the location of the different classes of waterbodies and the standards that apply.	WRP 5.1.4.12 WRP 5.1.5
You must not cause or contribute to flooding on neighbouring properties.	WRP 5.1.5
The placement of any fill and/or organic material must not lead to land instability. Organic material is anything that decays over time like timber, sawdust or vegetation.	WRP 5.1.5
If clearing vegetation within 5m of a flowing waterbody, all vegetation must be felled away from the waterbody and managed to prevent erosion or the destruction of aquatic habitat.	WRP 5.1.5
Materials such as fuels, oils or agrichemicals must not enter water at any time.	WRP 5.1.5
You must not cause odour, smoke or dust nuisances to other people.	WRP 5.1.5
You must not cultivate paddocks within 2m of any river, stream or lake bed.	WRP 5.1.4.12
You must not disturb any identified archaeological or wāhi tapu (sacred) site. If any archaeological or wāhi tapu site is discovered while works are in progress, you must stop the works immediately and notify Waikato Regional Council. You cannot recommence work without approval from Waikato Regional Council.	WRP 5.1.5

Hints

- Your local council may have rules which restrict earthworks and vegetation clearance in areas outside of high risk erosion areas. Check with them first.
- Check your contractor is familiar with these permitted activity rules and their conditions.
- High risk erosion areas are:
 - with a slope greater than 25 degrees
 - any land adjacent to a waterbody*:
 - within 10m of the waterbody – if the land slope is between 0 and 15 degrees, or
 - within 100m of the waterbody, or up to the first point at which the slope reduces to 15 degrees or less (whichever is lesser) – if the land slope is greater than 15 degrees
 - coastal frontal dunes on the east coast, coastal sand country on the west coast and within 50m landward of an estuary.
 - Earthworks, land disturbance (including cultivation), vegetation clearance and drainage activities in proximity to natural wetlands are very strictly controlled by the NES-F and under the *Waikato Regional Plan*. If you intend to undertake any drainage activities, or any earthworks, land disturbance or vegetation clearance in or near a wetland, you will probably need a resource consent. For more information see the section on activities in or near natural wetlands on page 38.

*Waterbody includes all ephemeral streams draining catchments that are more than 100ha. Ephemeral streams are streams that flow for at least three months between March and September but don't flow all year round.

Be aware

This is not a complete and detailed copy of the conditions of the permitted activity rules for earthworks and vegetation clearance. It is only a guide and should be used in conjunction with the *Waikato Regional Plan*, which can be found on our website. Printed copies of the plan and other associated documents can be ordered online or by calling 0800 800 402.

If you comply with all the conditions of the permitted activity rules outlined in the *Waikato Regional Plan* at all times, you do not need a resource consent for these activities. If, for any reason, you are unable to comply with the conditions, you are required to obtain a consent.

Please remember that activities on your farm may also be restricted by other documents, such as your local council's district plan.

Failure to comply with the conditions of the permitted activity rules, or the conditions of a consent, is an offence and may result in enforcement action by Waikato Regional Council.

If you are unsure about how to comply with the conditions or need further information, please call us.

Useful resources

On our website

- waikatoregion.govt.nz/forfarmers
- Waikato Regional Pest Management Plan:
waikatoregion.govt.nz/rpmp

04

Drain construction and cleaning

Te waihanga me te horoi i ngā awakeri

It's important to be aware that different rules apply for artificial watercourses, modified watercourses and streams. Special conditions apply to earthworks, land disturbance and vegetation clearance within 100m of a natural wetland under the NES-F. See the section on activities near wetlands on page 38 for more information. You can only dig new drains on your property and maintain existing drains without a resource consent if the drains are within a lawfully established drainage system of artificial watercourses, and:

- you don't create or deepen a drain within 200m of the legal property boundaries of the wetlands listed in section 3.7.7 of the *Waikato Regional Plan*
- you're not clearing vegetation or undertaking drainage that is in a wetland or will affect a wetland (see section on activities near wetlands on page 38 for more information)
- you don't discharge dirty water into a downstream waterbody, causing the suspended solids standards to be exceeded.

Artificial watercourses make up a very small number of the Waikato region's waterways. A resource consent may be required for drain construction or cleaning activities carried out in waterways that do not fully meet the regional plan definition of an artificial watercourse, which is:

“A watercourse that contains no natural portions from its confluence with a river or stream to its headwaters and includes irrigation canals, water supply races, canals for the supply of water for electricity power generation and farm drainage canals.”

If you're in any doubt about the status of a waterway you're planning to carry out works in, please call us before you start work. We can provide maps and information on the location of natural and modified waterbodies and our drainage schemes, as well as advice on what is a wetland.

You should call your local council for information about their drainage schemes.

You must comply with all the conditions outlined in the *Waikato Regional Plan*. The key conditions are noted on the following pages.

4.1 Drain construction

Key conditions	
To be a permitted activity	WRP rule or NES-F reg number
The catchment area above the drain must be no greater than 2km ² .	WRP 3.6.4.8
You must ensure your drain doesn't discharge outside the natural catchment of the drainage system.	WRP 3.6.4.8
Your drain must not contribute to flooding on your property or any other properties.	WRP 3.6.4.8
The amount of sediment that can discharge from this activity is very restricted and must not breach the suspended solids discharge standards. We can provide information on the standards that apply.	WRP 3.6.4.8 WRP 4.2.21
Your drain must provide for safe fish passage both upstream and downstream.	WRP 3.6.4.8
If you're draining from or to a waterbody that's classified as 'indigenous fisheries' on <i>Waikato Regional Plan</i> maps, you must notify Waikato Regional Council at least three weeks before you start any work.	WRP 3.6.4.8
Any erosion that occurs as a result of this activity must be repaired as soon as possible.	WRP 3.6.4.8
If your drain connects to an artificial watercourse, modified watercourse, river or stream that's within a flood or drainage area managed by Waikato Regional Council or your local council, you must ensure there is suitable access for maintenance machinery. For a list of the rivers and streams that are the full responsibility of Waikato Regional Council or a local council for maintenance purposes, look up table 4-1 in the <i>Waikato Regional Plan</i> . To find out if a watercourse is a council drain, contact your council's drainage manager or local works supervisor.	WRP 4.2.18.1
<p>If you intend to plant the banks of a drain, river, lake or artificial waterbody that's within a flood or drainage area managed by Waikato Regional Council or your local council, you must first find out whether the watercourse is managed privately or by a council.</p> <p>If the watercourse is managed by a council, you must:</p> <ul style="list-style-type: none"> • notify Waikato Regional Council in writing at least 10 days before you start planting • ensure the plants are more than 10m away from the waterbody or more than 15m away if the waterbody is managed by Hauraki District Council or is in the Aka Aka Otaua drainage area. <p>For a list of the rivers and streams that are the full responsibility of Waikato Regional Council or a local council for maintenance purposes, look up table 4-1 in the <i>Waikato Regional Plan</i>. To find out if a watercourse is a council drain, contact your council's drainage manager or local works supervisor.</p>	WRP 4.2.18.1

<p>You must not disturb any identified archaeological or wāhi tapu (sacred) site. If any archaeological or wāhi tapu site is discovered while works are in progress, you must stop the works immediately and notify Waikato Regional Council. You cannot recommence work without approval from Waikato Regional Council.</p>	<p>WRP 3.6.4.8</p>
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4.2 Drain cleaning

Key conditions	
To be a permitted activity	WRP rule or NES-F reg number
<p>You can dispose of the debris, sediment or vegetation you clear from your drain on your own property, providing you don't dispose of it in:</p> <ul style="list-style-type: none"> • a high risk erosion area • the floodplain of a river • a significant geothermal feature. <p>In addition, you must ensure that:</p> <ul style="list-style-type: none"> • you don't stockpile more than 10m³ at any one site in a year • the spread/piled/placed material is stable and doesn't contribute to flooding on neighbouring properties. 	<p>WRP 5.2.5.7</p>
<p>The amount of sediment that can discharge from this activity into water is very restricted and must not breach the suspended solids standards. We can provide information on the standards that apply.</p> <p>In addition, any discharge into water must not contain:</p> <ul style="list-style-type: none"> • any material that will cause conspicuous oil or grease films, scums or foams or floatable suspended materials • leachate from any decomposing organic material. 	<p>WRP 3.2.4.6 WRP 5.2.5.7</p>
<p>Any erosion that occurs as a result of this activity must be repaired as soon as possible.</p>	<p>WRP 5.2.5.7</p>
<p>You must not disturb any identified archaeological or wāhi tapu (sacred) site. If any archaeological or wāhi tapu site is discovered while works are in progress, you must stop the works immediately and notify Waikato Regional Council. You cannot recommence work without approval from Waikato Regional Council.</p>	<p>WRP 5.2.5.7</p>

Hints

- Your local council may require you to have a land use consent for filling operations. Check with them first.
- New drains or deepening of existing drains within 100m (or sometimes 200m) of a natural wetland will typically require consent – see section on activities within or near wetlands on page 38.
- Drains within a network of artificial watercourses should only be cleaned when absolutely necessary. Drains with vegetative cover have environmental benefits, such as better sediment and phosphorus retention. Fencing and stock exclusion will also mean your drain needs to be cleaned less frequently.
- Under some circumstances the clearance of vegetation from a modified watercourse, river or stream may be carried out as a permitted activity, but strict conditions apply. To find out what a modified watercourse is, see the glossary of terms in the *Waikato Regional Plan*.
- Check your contractor is familiar with the *Waikato Regional Plan* rules relating to drains.
- You and your contractor should also be familiar with the permitted activity rules and their conditions for:
 - earthworks and vegetation clearance (*Waikato Regional Plan* rule numbers 5.1.5, 5.1.4.11 and 5.1.4.12)
 - planting and tree layering along the banks of rivers and lakes (*Waikato Regional Plan* rule number 4.3.8.1).
- We can provide maps and information on the location of the wetlands listed in section 3.7.7 of the *Waikato Regional Plan* and ‘indigenous fisheries’ waterbodies.
- Before planting or carrying out other works along the banks of a drain, river, lake or artificial waterbody that’s within a flood or drainage area managed by the Waikato Regional Council or your local council, talk to us or your local council first.
- We can help you estimate the catchment area above the drain/proposed drain.
- High risk erosion areas are:
 - where the land slope is greater than 25 degrees
 - where the land slope is greater than 15 degrees

– within 100m of any wetland, river, stream* or lake bed or mean high water spring tides, or up to the first point at which the slope reduces to 15 degrees or less, whichever is lesser

- for land slope up to 15 degrees – within 10m of any wetland, river, stream* or lake bed
- coastal frontal dunes on the east coast, coastal sand country on the west coast and within 50m landward of an estuary.

*This includes all ephemeral streams draining catchments that are more than 100ha. Ephemeral streams are streams that flow for at least three months between March and September but don’t flow all year round.

Useful resources

On our website

- Best practice environmental guidelines – land drainage: waikatoregion.govt.nz/TR200606R
- waikatoregion.govt.nz/forfarmers

Be aware

This is not a complete and detailed copy of the conditions of the permitted activity rules for drain construction and cleaning. It is only a guide and should be used in conjunction with the *Waikato Regional Plan*, which can be found on our website. Printed copies of the plan and other associated documents can be ordered online or by calling 0800 800 402.

If you comply with all the conditions of the permitted activity rules outlined in the *Waikato Regional Plan* at all times, you do not need a resource consent for these activities.

Please remember that activities on your farm may also be restricted by other documents, such as your local council’s district plan.

Failure to comply with the conditions of the permitted activity rules, or the conditions of a consent, is an offence and may result in enforcement action by Waikato Regional Council.

If you are unsure about how to comply with the conditions or need further information, please call us.

05

Fertiliser

Te whakahaumako

Fertiliser application is a permitted activity as long as you comply with all the conditions outlined in the NES-F and the *Waikato Regional Plan*. The specific conditions depend on the specific use of the land and the catchment the fertiliser application occurs within. The key conditions are noted on the following page.

5.1 Fertiliser

Key conditions – all farms in the Waikato region	
To be a permitted activity	WRP rule or NES-F reg number
The application of synthetic nitrogen fertiliser to pastoral land does not exceed 190kg/ha/yr.	NES-F 33
From 1 July 2022, dairy farms must provide certain information about their farming activities and fertiliser use by 31 July each year.	NES-F 36
Fertiliser must be used in accordance with the NZ Fertiliser Manufacturers' Association, 1998 (updated 2002) Code of Practice for Fertiliser Use. This code is now known as the Code of Practice for Nutrient Management.	WRP 3.9.4.11
Any off-target drift must not cause odour nuisance or adverse effects to people and their property. For example, dust may have an affect on neighbours.	WRP 3.9.4.11
Inorganic or organic fertiliser (for example chicken manure) should not create an objectionable odour beyond your property.	WRP 6.1.8 WRP 6.1.15.1

Additional key conditions – farms in the Lake Taupō catchment	
To be a permitted activity	WRP rule or NES-F reg number
The farming activity must be authorised under the rules for Lake Taupō set out in Chapter 3.10 of the <i>Waikato Regional Plan</i> , typically either as a low nitrogen leaching permitted activity, or under a land use resource consent.	WRP 3.10.5.10

Additional key conditions – rest of the Waikato region (excluding Lake Taupō, Waikato River and Waipā River catchments)	
<p>You must prepare and implement a nutrient management plan if you are applying fertiliser:</p> <ul style="list-style-type: none"> • at a rate that exceeds 60kg of nitrogen per hectare per year, or • to land that has had stock effluent applied to it in the past 12 months. <p>The type of nutrient management plan required is specified in table 3-10 of the <i>Waikato Regional Plan</i>.</p>	WRP 3.9.4.11

Hints

- The Fertiliser Association of New Zealand's (formerly NZ Fertiliser Manufacturers' Association) *Code of Practice for Nutrient Management* can be downloaded from fertiliser.org.nz. We also recommend you follow the 'Fertmark' and 'Spreadmark' codes of practices available from New Zealand Fertiliser Quality Council at fertqual.co.nz.
- A nutrient budget describes all sources of nutrients entering and leaving the farm. Nitrogen and phosphorus are important nutrients for a farm's pasture growth but also lead to waterway degradation (algae and water weed). Some fertiliser use can also lead to other environmental problems such as build-up of cadmium in the soil.
- A nutrient management plan (NMP) is based on a nutrient budget and describes the practical steps you will take to minimise nutrient and sediment losses from your farm and reduce impacts on water quality.
- We recommend you use a certified nutrient management advisor to help prepare a nutrient budget and NMP for your farm.

Useful resources

On our website

- waikatoregion.govt.nz/forfarmers

On other websites

- The Fertiliser Association of New Zealand
fertiliser.org.nz/site/code_of_practice/default.aspx
- DairyNZ
dairynz.co.nz/page/pageid/2145866833/Nutrient_Management
- Ministry for Primary Industries: Soil and nutrients information, including work on managing cadmium
mpi.govt.nz/environment-natural-resources/soil-and-nutrients

Be aware

This is not a complete and detailed copy of the conditions of the permitted activity rules for using fertiliser. It is only a guide and should be used in conjunction with the NES-F and the *Waikato Regional Plan*, which are available on our website. Printed copies of the plan and other associated documents can be ordered online or by calling us on 0800 800 402.

If you comply with all the conditions of the permitted activity rules outlined in the NES-F and the *Waikato Regional Plan* at all times, you do not need a resource consent for these activities.

Please remember that activities on your farm may also be restricted by other documents, such as your local council's district plan.

Failure to comply with the conditions of the permitted activity rules, or the conditions of a consent, is an offence and may result in enforcement action by the Waikato Regional Council.

If you are unsure about how to comply with the conditions or need further information, please call us.

06

Agrichemicals

Ngā matū ahūwhenua

When applying agrichemicals, you must ensure you don't pollute our region's water or affect other people.

Whether you're spot spraying or applying agrichemicals more widely, you must follow the manufacturer's instructions and ensure any off-target drift doesn't affect other people and their property. If there is a possibility of the agrichemical indirectly entering water, you must also notify any downstream water users within 1km of the application area between 12 hours and three weeks prior to application.

There are other conditions you need to comply with too, but the conditions depend on whether you're spot spraying, applying agrichemicals more widely or using agrichemicals in public amenity areas. The key conditions are noted on the following pages.

6.1 Spot spraying using hand-held spray equipment

Key conditions	
To be a permitted activity	WRP rule or NES-F reg number
You cannot spot spray in public amenity areas like the side of the road or sports grounds.	WRP 6.2.4.8
You must notify anyone who has requested prior notification. Notification can be verbal or in writing and must be provided between 12 hours and three weeks prior to application. Look up this rule in the <i>Waikato Regional Plan</i> to find out what your notification must include.	WRP 6.2.4.8

6.2 Widespread application of agrichemicals

Key conditions	
To be a permitted activity	WRP rule or NES-F reg number
You must not contaminate domestic or commercial water supplies or harm animals or fish.	WRP 6.2.4.8
Agrichemicals must be used in accordance with NZS 8409:2004 Management of Agrichemicals. This document has now been updated and is called NZS 8409:2021 Management of Agrichemicals. You can access a copy of this standard from www.standards.co.nz .	WRP 6.2.4.9
All contractors and pilots must be suitably trained and qualified.	WRP 6.2.4.9
You must keep records of your agrichemical application activities.	WRP 6.2.4.9
You, or the occupier or manager of your farm, must prepare a spray plan or arrange for one to be prepared at the beginning of each year or spray season. Among other requirements, the spray plan must identify all known sensitive areas which may be affected by the spraying and strategies to avoid adverse effects on those areas.	WRP 6.2.4.9 WRP 6.2.7
You must carry out an appropriate level of notification depending on the scale and location of the application. Notification requirements are listed in table 6-4 in the <i>Waikato Regional Plan</i> .	WRP 6.2.4.9

Hints

- It is an offence to use any agrichemical not registered in New Zealand or in a manner that contravenes the requirements specified in the manufacturer's instructions.
- Vegetation clearance within, or within 10m of, a natural wetland will typically require consent – see activities within or near wetlands on page 38.
- The purpose of a spray plan is to provide potentially affected parties with information about what, where and when you will be spraying. The plan also includes information about the chemical you intend to use and the actions you will take to avoid contaminating sensitive areas. A checklist of the information you need to include in a spray plan is outlined in section 6.2.7 of the *Waikato Regional Plan*.
- You should notify Waikato Regional Council straight away in the event of any accidental or unintended discharge of agrichemicals to air, land or water.
- Check the requirements of the neighbouring regional council if you are applying chemicals near the boundary between the Waikato region and a neighbouring region.

Useful resources

On our website

- waikatoregion.govt.nz/forfarmers
- Contractor's guide to agrichemical spraying
waikatoregion.govt.nz/contractors-spray-guide
- Regional recycling directory
waikatoregion.govt.nz/recycling-facilities

Be aware

This is not a complete and detailed copy of the conditions of the permitted activity rules for using agrichemicals. It is only a guide and should be used in conjunction with the *Waikato Regional Plan*, which can be found on our website. Printed copies of the plan and other associated documents can be ordered online or by calling 0800 800 402.

If you comply with all the conditions of the permitted activity rules outlined in the *Waikato Regional Plan* at all times, you do not need a resource consent for these activities.

Please remember that activities on your farm may also be restricted by other documents, such as your local council's district plan.

Failure to comply with the conditions of the permitted activity rules, or the conditions of a consent, is an offence and may result in enforcement action by Waikato Regional Council.

If you are unsure about how to comply with the conditions or need further information, please call us.

07

Composting and burning

Te wairākau me te weranga

Composting and burning are two ways you can get rid of your farm and domestic waste. You can carry out these activities without a resource consent, as long as you:

- only burn materials that will not cause environmental harm
- ensure any seepage, odour, smoke or fumes don't pollute our region's water and air, or affect other people.

You must also comply with all the conditions outlined in the *Waikato Regional Plan*. The key conditions are noted on the following pages.

7.1 Composting

Key conditions	
To be a permitted activity	WRP rule or NES-F reg number
You can produce up to 20m ³ of compost each year as long as the leachate produced during the composting process does not enter or leach into surface or groundwater.	WRP 5.2.8.1
Sewage and substances that could be explosive, flammable, toxic or corrosive can't be composted.	WRP 5.2.8.1
Any discharge into the air must not, outside your property boundary: <ul style="list-style-type: none"> • affect the health of people, plants or animals • create any odour. 	WRP 5.2.8.1 WRP 6.1.8

7.2 Outdoor burning

Key conditions	
To be a permitted activity	WRP rule or NES-F reg number
You can only burn the following things, and they must have come from your own property. In other words, you can't burn material collected from other people's properties. <ul style="list-style-type: none"> • Untreated wood and vegetative/organic matter, such as leaves. • Paper and cardboard. • Food waste. • Halogen-free plastics (generally plastics with a 1, 2, 4, 5 or 6 recycling code are halogen-free, but some of these plastics may be unsuitable for burning because they give off a lot of smoke). • Animal carcasses. 	WRP 6.1.13.1
Any discharge into the air outside your property boundary must not: <ul style="list-style-type: none"> • affect the health of people, plants or animals • create any nuisance from odour or fine particles like dust or smoke • significantly impair visibility • damage other people's property. 	WRP 6.1.8 WRP 6.1.13.1

Hints

- Before burning your rubbish, consider alternatives. For example, compost your vegetative/organic matter and recycle cans, plastics, paper and glass.
- You may need a fire permit from your local council. They may have other rules you have to follow too. Check with them first.
- A recycling service for silage wrap and pit covers is now available in the Waikato region. Recycling services are also available for triple-rinsed HDPE containers, polypropylene bags, vineyard nets, twine and some drums. Call us for more information.
- Reduce smoke and nuisance by only burning dry vegetation, checking the wind direction and avoiding frosty mornings, foggy days or night time. Also, burn as far as possible from your property boundary, and make smaller fires.
- Ensure fires don't smoulder and be prepared to put out the fire if conditions change, or you discover you're causing a nuisance.
- Avoid burning close to waterways where there is the potential for contaminants to run off and pollute surface water.
- Make sure you check what you're planning to burn, as breaches of outdoor burning rules can result in enforcement action by Waikato Regional Council.
- Things you are not allowed to burn include:
 - rubber and tyres
 - halogenated organic chemicals (for example, some pesticides, electronics, fluorescent light fittings)
 - materials containing heavy metals (for example, batteries)
 - pitch, paint and paint residues, and surface coatings (for example, painted corrugated iron, paint containers, coated metals)
 - asbestos
 - pathological waste (excluding animal carcasses on production land)
 - agrichemicals and agrichemical containers that haven't been triple-rinsed
 - waste oil and other waste petroleum products, including sludge
 - sludge from industrial processes
 - hazardous materials from contaminated sites and buildings
 - materials associated with the recovery of metals from cables
 - components of motor vehicles
 - tar and bitumen
 - any material within a municipal waste disposal premises.

Useful resources

On our website

- waikatoregion.govt.nz/forfarmers
- Regional recycling directory
waikatoregion.govt.nz/recycling-facilities
- Information on outdoor burning
waikatoregion.govt.nz/Outdoor-burning
- Information on tyre disposal
waikatoregion.govt.nz/services/regional-services/waste-hazardous-substances-and-contaminated-sites/tyres/

On other websites

- Waste Exchange
nothrow.co.nz

Be aware

This is not a complete and detailed copy of the conditions of the permitted activity rules for composting and burning. It is only a guide and should be used in conjunction with the *Waikato Regional Plan*, which can be found on our website. Printed copies of the plan and other associated documents can be ordered online or by calling 0800 800 402.

If you comply with all the conditions of the permitted activity rules outlined in the *Waikato Regional Plan* at all times, you do not need a resource consent for these activities.

Please remember that activities on your farm may also be restricted by other documents, such as your local council's district plan.

Failure to comply with the conditions of the permitted activity rules, or the conditions of a consent, is an offence and may result in enforcement action by Waikato Regional Council.

If you are unsure about how to comply with the conditions or need further information, please call us.

08

Dumps and offal holes

Ngā rua parapara

You can dump your own farm and household waste on your property and have an offal hole for dead stock and perishable household waste. However, seepage and odour can contaminate soil, pollute our region's water and affect other people. That's why you can't locate your dump or offal hole in:

- the catchment of, or within 10m of (whichever is the lesser distance), a sinkhole or cave entrance
- the floodplain of a river
- a wetland area
- a significant geothermal feature.

In addition, your offal hole must be more than 100m away from any water supply bores or waterbodies.

You must also comply with all the conditions outlined in the *Waikato Regional Plan*. The key conditions are noted on the following pages.

8.1 Dumps

Key conditions	
To be a permitted activity	WRP rule or NES-F reg number
<p>You must ensure your farm dump doesn't contain any:</p> <ul style="list-style-type: none"> substances that could be explosive, flammable, toxic or corrosive – this includes empty agrichemical, detergent and oil containers sewage, offal or animal carcasses. 	WRP 5.2.6.1
The waste you put into your dump must not enter or leach into surface or groundwater.	WRP 5.2.6.1
You must not disturb any identified archaeological or wāhi tapu (sacred) site. If any archaeological or wāhi tapu site is discovered while works are in progress, you must stop the works immediately and notify Waikato Regional Council. You cannot recommence work without approval from Waikato Regional Council.	WRP 5.2.6.1

8.2 Offal holes

Key conditions	
To be a permitted activity	WRP rule or NES-F reg number
<p>You can only use your offal hole for dead animal matter and perishable household waste, and you must ensure it doesn't contain any:</p> <ul style="list-style-type: none"> substances that could be explosive, flammable, toxic or corrosive – this includes empty agrichemical, detergent and oil containers sewage. 	WRP 5.2.6.2
The lowest point of your offal hole must be at least 1m above the level of the shallowest water table. However, if your offal hole existed prior to the <i>Waikato Regional Plan</i> becoming operative and the lowest point is less than 1m above the shallowest water table, the waste in it must not enter or leach into water.	WRP 5.2.6.2
Your offal hole must be covered to prevent pests and water getting into it.	WRP 5.2.6.2
Your offal hole must not create any odour outside your property boundary.	WRP 5.2.6.2
You must not disturb any identified archaeological or wāhi tapu (sacred) site. If any archaeological or wāhi tapu site is discovered while works are in progress, you must stop the works immediately and notify Waikato Regional Council. You cannot recommence work without approval from Waikato Regional Council.	WRP 5.2.6.2

Hints

- If waste from other properties is dumped in your farm dump or offal hole you must follow the rules and conditions for landfills (*Waikato Regional Plan* rule number 5.2.7).
- Your local district council may require you to have a land use consent for your dump and offal hole. Check with them first.
- If you're farming in an area where the water tables are very close to the surface, consider composting your offal or using a commercial animal carcass collection service.
- Clearly identify old dumps and offal holes so they're not accidentally disturbed in the future.
- A recycling service for silage wrap and pit covers is now available in the Waikato region. Recycling services are also available for triple-rinsed HDPE containers, polypropylene bags, vineyard nets, twine and some drums.

Useful resources

On our website

- Regional recycling directory
waikatoregion.govt.nz/recycling-facilities

On other websites

- Waste Exchange
nothrow.co.nz

Be aware

This is not a complete and detailed copy of the conditions of the permitted activity rules for dumps and offal holes. It is only a guide and should be used in conjunction with the *Waikato Regional Plan*, which can be found on our website. Printed copies of the plan and other associated documents can be ordered online or by calling 0800 800 402.

If you comply with all the conditions of the permitted activity rules outlined in the *Waikato Regional Plan* at all times, you do not need a resource consent for these activities.

Please remember that activities on your farm may also be restricted by other documents, such as your local council's district plan.

Failure to comply with the conditions of the permitted activity rules, or the conditions of a consent, is an offence and may result in enforcement action by Waikato Regional Council.

If you are unsure about how to comply with the conditions or need further information, please call us.



09

Activities in or near natural wetlands

Ngā mahi i ngā rohe
kōreporepo, e pātata
atu ana rānei

Wetlands are the earth's kidneys, helping to clean water flowing off the land. Wetlands are also home to many threatened native plants and animals found nowhere else in the world. But wetlands are in decline nationally, and only 25 per cent of Waikato wetlands remain.

While the operative *Waikato Regional Plan* already contained rules that apply to wetlands, the NES-F has rules for activities in or near wetlands which are much stricter than in the past. These regulations send a clear message from Government about the importance of protecting our remaining wetlands. As a result, virtually all activities in or near wetlands, along with activities that have potential to negatively affect wetlands, are now either prohibited or need a resource consent.

When you undertake the following activities on your farm, you must maintain the listed setback distance between the activity and any wetland (and meet the requirements for each activity set out elsewhere in this guide), or you will need a resource consent.

9.1 Activities in or near natural wetlands

Activity	Setback distance	
Digging new drains or deepening existing drains in the vicinity of specific wetlands listed in table 3.7.7 of the <i>Waikato Regional Plan</i> .	200m	WRP
Digging new drains, or deepening existing drains in the vicinity of any other wetland in the Waikato region.	100m	WRP
Any earthworks or other land disturbance (including associated with building any new structures).	10m	NES-F 37-55
Any vegetation clearance (including associated with building any new structures).	10m	NES-F 37-55
Taking, using, damming, diverting or discharging of any water.	100m	NES-F 37-55

There are a few exceptions. You may be able to go within the setback distances without a resource consent if you are undertaking the activity for one of the following purposes:

- restoring a natural wetland
- maintaining certain existing lawfully-established structures, such as boardwalks, jetties and maimai*
- continuing a previously established arable or horticultural land use.

However, undertaking the activities for one of these purposes is subject to meeting strict conditions, including the prior notification of the council for specified permitted activities (excluding arable or horticultural land use). The precise conditions that must be met depend on which activity is being undertaken and the specified purpose.

The simplest advice is that if you propose to undertake any of the listed activities either in a wetland or within any of the buffer distances from a wetland on your property, you should seek advice from the council before starting work.

The council can help you to identify whether any permitted activity rules apply and what conditions must be met, depending on your specific circumstances. In addition to the specific conditions, there is a general condition that requires you to provide certain information to the council at least 10 days prior to the activity occurring. You can provide the correct information by completing the *Proposed works in a wetland* notification form, available from the council's website: waikatoregion.govt.nz/consent-application-forms.

If no permitted activity rules apply, or the conditions won't be met, the council can provide advice about the type of consent required and the process required to apply.

*Note that building new structures in or near a wetland requires resource consent.

Hints

- Livestock must be excluded from natural wetlands under the Resource Management Act (Stock Exclusion) Regulations 2020. See the section on livestock exclusion on page 14 of this guide.
- The notification requirements of the NES-F that must be provided to the regional council can be met by completing the relevant form, available at waikatoregion.govt.nz/consent-application-forms.
- The Resource Management Act 1991 defines a wetland as:
“Includes permanently or intermittently wet areas, shallow water and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.”
- The NES-F applies only to natural wetlands (being a subset of all wetlands). The NPS-FM (on page 23) defines that a “natural” wetland means:
“A wetland (as defined in the RMA) that is not:
a) A wetland constructed by artificial means (unless it was constructed to offset impacts on, or restore, an existing or former natural wetland: or
b) A geothermal wetland
c) Any area of improved pasture that, at the commencement date (being 3 September 2020), is dominated by (that is more than 50% of) exotic pasture species and is subject to temporary rain derived water pooling.
- There is work going on nationally to improve the clarity of the definition for wetlands and natural wetlands, as well as how to define a wetland’s margins more precisely. We will update this guide when more definitive guidance is available.
- We consider that an artificial or constructed wetland is one that is constructed in an area where a wetland would not naturally occur (e.g., a shallow pond, dug in an otherwise flat paddock, shaped to achieve flow from inlet to outlet, planted with wetland plants, and created for the purpose of separating a waterborne contaminant from rainfall runoff or effluent).
- We consider that a wetland created in an area that would have previously been a wetland (but for human intervention), is a “restored former natural wetland” not a “constructed or artificial wetland”. Whether it is considered a “natural wetland” for the purposes of the NES-F depends on whether exception “c” applies under the definition of natural wetland (above) in the NPS-FM.



10

Farm animal effluent, feedlots and stock holding areas

Ngā parapara kararehe ahuwhenua, ngā whakatakanga kai me ngā wāhi pupuru kararehe

Animal excreta from areas where stock are contained needs to be managed so it doesn't pollute our region's water or affect other people. Effluent can accumulate anywhere animals congregate, such as at farm dairy sheds, underpasses, entry/exit races and stock holding areas. Effluent must be directed away from watercourses, and where effluent and either rainwater or washdown water accumulate, the effluent must be collected and discharged back onto land in accordance with the following rules, or a resource consent will be required.

With the exception of pig farm waste (see WRP 3.5.5.3), the discharge of effluent from all other farm animal sources, including temporary containment areas, can generally be applied back to land as a permitted activity, provided the farm animal effluent rules are met. However, long term containment, such as occurs on a feedlot, will require a resource consent.

10.1 General farm animal effluent rules

Key conditions	
To be a permitted activity	WRP rule or NES-F reg number
Your farm dairy effluent must not discharge into surface water or contaminate groundwater. Surface water is water that is above ground, whether flowing or not (for example streams, rivers, lakes, drains, ponds and wetlands).	WRP 3.5.5.1
Apply effluent so it doesn't pond on the land surface. This will help prevent groundwater contamination. To find out how you can prevent discharges into surface water, see the hints.	WRP 3.5.5.1
All effluent ponds and storage facilities must be sealed to prevent seepage. The sealing standard is 1×10^{-9} metres per second. For more on this standard, see the hints.	WRP 3.5.5.1
You must not exceed the effluent depth of 25mm per application and a loading rate of 150kg of nitrogen from effluent per hectare per year.	WRP 3.5.5.1
Farm dairy effluent must not create any offensive odour or discharge outside your property boundary.	WRP 3.5.5.1 WRP 6.1.8

10.2 Feedlots and stock holding areas

Feedlots are areas where cattle are kept for at least 80 days in any six-month period and are fed exclusively by hand or machine. All feedlots require resource consent under the NES-F.

Stock holding areas include feed pads, standoff pads, loafing pads and wintering pads, but exclude feedlots.

Key conditions	
To be a permitted activity	WRP rule or NES-F reg number
The stock holding area/feedlot must be sealed to prevent seepage. The sealing standard is 1×10^{-9} metres per second.	NES-F 13
The stock holding area must be located at least 50m away from any waterbody, water abstraction bore, any drain and the coastal marine area boundary.	NES-F 13
The effluent from the stock holding area must be collected, stored, and disposed of according to the following conditions:	NES-F 13

<ul style="list-style-type: none"> The storage facilities must be sealed to prevent seepage. The sealing standard is 1x10⁻⁹ metres per second. For more on this standard, see the hints. 	WRP 3.5.5.2
<ul style="list-style-type: none"> The effluent from your stock holding area must not discharge into surface water or contaminate groundwater. Surface water is water which is above ground, whether flowing or not (for example streams, rivers, lakes, drains, ponds and wetlands). 	WRP 3.5.5.2
<ul style="list-style-type: none"> The effluent from your stock holding area must not pond on the land surface. This will help prevent groundwater contamination. To find out how you can prevent discharges into surface water, see the hints. 	WRP 3.5.5.2
<ul style="list-style-type: none"> When applying effluent, you must not exceed the loading rates of 25mm per application and 150kg of nitrogen from effluent per hectare per year. 	WRP 3.5.5.2
<ul style="list-style-type: none"> The stock holding area or effluent from it, must not create any odour or discharge outside your property boundary. 	WRP 3.5.5.2 WRP 6.1.8

Additional key conditions – Lake Taupō catchment	
To be a permitted activity	WRP rule or NES-F reg number
The stock holding area must be part of a farming activity that is authorised under the Lake Taupō rules (chapter 3.10) of the <i>Waikato Regional Plan</i> .	WRP 3.10.5.10



Hints

- Many local councils also have minimum separation distance requirements between treatment or disposal systems, adjoining properties, roadways and houses.
- The nutrient composition of effluent varies greatly depending on the farm system, supplements used and time of year. Testing the application depth (which you can do using ice cream containers) and nutrient value of your effluent will help ensure you don't exceed the specified loading rates. It will also allow you to make the most of the nutrients.
- We recommend working with an accredited designer to ensure the design of your effluent system is right for your farm.
- The required permeability limit of 1×10^{-9} metres per second works out to be a drop of less than 1mm per day for an average sized pond. The best way to ensure your pond or pad meets sealing requirements is to use an approved geomembrane or concrete. If you would prefer to compact your clay soil, please refer to IPENZ practice note 21 to make sure it's done correctly.
- The *Farm Dairy Effluent Design Code of Practice* recommends maintaining a separation distance from boundary fences when irrigating or spreading effluent to land.
- To ensure your farm complies with our council's effluent discharge rules 365 days a year, you need adequate storage facilities. To build the right size pond for your farm, we recommend using the Dairy Effluent Storage Calculator (DESC) available from DairyNZ.
- Having the capacity to store effluent before it's applied to land:
 - substantially reduces the risk of overflows
 - means you don't have to irrigate during wet periods when the risk of surface ponding and runoff is high or during busy times like calving.
- The maximum loading rate of 25mm per application is a limit, not a target! A lower rate will allow you to optimise the use of nutrients from your effluent.
- For food safety purposes, domestic sewage needs to be excluded from your effluent treatment system. Check with your dairy or supply company.

Useful resources

On our website

- waikatoregion.govt.nz/forfarmers
- waikatoregion.govt.nz/effluentmanagement

On other websites

- Farm Dairy Effluent Design Code of Practice dairynz.co.nz/publications/environment/farm-dairy-effluent-design-standards-and-code-of-practice

Be aware

This is not a complete and detailed copy of the conditions of the permitted activity rules for managing farm dairy effluent. It is only a guide and should be used in conjunction with the NES-F and the *Waikato Regional Plan*, which can be found on our website. Printed copies of the plan and other associated documents can be ordered online or by calling 0800 800 402.

If you comply with all the conditions of the permitted activity rules outlined in the NES-F and in the *Waikato Regional Plan* at all times, you do not need a resource consent for these activities.

Please remember that activities on your farm may also be restricted by other documents, such as your local council's district plan.

Failure to comply with the conditions of the permitted activity rules, or the conditions of a consent, is an offence and may result in enforcement action by Waikato Regional Council.

If you are unsure about how to comply with the conditions or need further information, please call us.

11

Land use change, irrigation and agricultural intensification

Ngā panonitanga ā-whenua,
te whakamākūkū whenua me
te whakangaruru ahūwhenua

To clean up our rivers and streams, we need to reduce contaminant losses from our land into water. But changing or intensifying an existing land use can increase contaminant losses from the land. As a result, some types of land use change and intensification are now required to go through a resource consent process to ensure there isn't going to be an increase in contaminants reaching our waterways.

11.1 Land use changes

Changing land use to a more intense land use now typically requires consent anywhere in the region, although some exceptions are allowed for small changes to existing farms in some areas.

Key conditions	
To change land use	WRP rule or NES-F reg number
<p>Within the Lake Taupō catchment, the conversion of any non-farming land to farming, and the intensification of existing farming activity, requires a resource consent.</p> <p>If your conversion occurs after 2 September 2020, is from plantation forestry to a pastoral land use or any farming to dairy farming, and that change is greater than 10ha, there may be additional considerations for your consent process.</p>	<p>WRP 3.10.5.3</p> <p>NES-F 16</p> <p>NES-F 18</p>
<p>Within the Waikato and the Waipā river catchments, land use change restrictions detailed in <i>Waikato Regional Plan Change 1: Waikato and Waipā river catchments</i> and the NES-F both apply, although the latter rule only applies until 1 January 2025.</p> <p>Accordingly, consent is required if</p> <p>EITHER:</p> <ul style="list-style-type: none"> • there is more than 4.1ha of land use change, compared with that occurring at the close of 22 October 2016, of <ul style="list-style-type: none"> - woody vegetation to farming; or - any land use to dairy farming <p>OR (until 1 January 2025)</p> <ul style="list-style-type: none"> • there is more than 10ha of land use change, compared with that occurring at the close of 2 September 2020, of <ul style="list-style-type: none"> - plantation forestry to pastoral use - farming land to dairy farming. 	<p>WRP 3.11.4.9</p> <p>NES-F 16</p> <p>NES-F 18</p>
<p>Outside the Lake Taupō catchment and the Waikato and Waipā river catchments, only the NES-F restrictions apply.</p> <p>You can convert, cumulatively, an area of up to 10ha, from that occurring at the close of 2 September 2020, of:</p> <ul style="list-style-type: none"> • plantation forestry to pastoral use • farming land to dairy farming <p>as a permitted activity. Larger conversions require consent.</p> <p><i>This restriction is temporary and expires on 1 January 2025.</i></p>	<p>NES-F 16</p> <p>NES-F 18</p>

Note: The *Waikato Regional Plan* and the NES-F define some of the terms used in the above table differently (e.g., farming, farming land, dairy farming, pastoral land, etc).

11.2 Irrigation of dairy farm land

Irrigation allows land to be farmed more intensively and can result in significantly greater contaminant losses. The NES-F therefore requires new irrigation and expansion of existing irrigations to be assessed through a resource consent process first. You can make small increases in the area of land you irrigate (subject to complying with the rules around taking the water).

Key conditions	
To be permitted	WRP rule or NES-F reg number
The use of water for pasture irrigation and the associated discharge of contaminants into or onto land is permitted provided that the area of a farm's irrigated dairy farm land has not increased by more than 10ha over the area that was irrigated in the 12 months preceding 2 September 2020. <i>This requirement is temporary and expires on 1 January 2025.</i>	NES-F 20

11.3 Use of land as dairy support land

Using land for dairy support can increase contaminant losses from the land compared to other extensive pastoral uses. The NES-F has introduced a temporary cap on dairy support, by limiting dairy support to land that has previously been used for dairy support and preventing any increase in the area of land being used for dairy support. This area cap is temporary because the NPS-FM directs regional councils to review their rules before the temporary rule's expiry date and to decide whether specific rules to manage dairy support activities are required in their region.

Key conditions	
To be permitted	WRP rule or NES-F reg number
The land must have been used for dairy support land during the period 1 July 2014 to 30 June 2019. <i>This requirement is temporary and expires on 1 January 2025.</i>	NES-F 22
The area of land used for dairy support does not exceed the maximum area of land used for dairy support during the period 1 July 2014 to 30 June 2019. <i>This requirement is temporary and expires on 1 January 2025.</i>	NES-F22

Be aware

This is not a complete and detailed copy of the conditions of the permitted activity rules for land use change, irrigation and agricultural intensification. It is only a guide and should be used in conjunction with the NES-F and the *Waikato Regional Plan*, which can be found on our website. Printed copies of the plan and other associated documents can be ordered online or by calling 0800 800 402.

If you comply with all the conditions of the permitted activity rules outlined in the NES-F and in the *Waikato*

Regional Plan at all times, you do not need a resource consent for these activities. Please remember that activities on your farm may also be restricted by other documents, such as your local council's district plan. Failure to comply with the conditions of the permitted activity rules, or the conditions of a consent, is an offence and may result in enforcement action by Waikato Regional Council. If you are unsure about how to comply with the conditions or need further information, please call us.

12

Intensive winter grazing

Te whakataka kaikai
takurua

Intensive winter grazing of annual forage crops, particularly in wet conditions, can lead to significant soil damage which can result in large amounts of sediment, faecal pathogens and nutrients being discharged into watercourses from runoff during heavy rainfall. The risk of soil damage and contaminant discharge increases as the slope of the intensively winter grazed land increases.

The NES-F, through Regulation 26, sets out two approaches to managing intensive winter grazing. The first is a rules-based approach, which comes into force on 1 November 2022 and will apply in the 2023 winter grazing season (1 May to 30 September). The key conditions are set out on the following pages. The second approach is through freshwater farm plans. However, at the time of preparing this guide details of this alternative approach had not been finalised. Once more information is available, this section of the guide will be updated and further information on this process will be provided.

12.1 Intensive winter grazing

Key conditions	
To be permitted	WRP rule or NES-F reg number
The farm must have previously undertaken intensive winter grazing* in the period 1 July 2014 to 30 June 2019. <i>This requirement is temporary and expires on 1 January 2025.**</i>	NES-F 29
The area of land used for intensive winter grazing must not exceed the maximum area of land that was used for intensive winter grazing during the period 1 July 2014 to 30 June 2019. This requirement must be complied with even if the area is less than that allowed below. <i>This requirement is temporary and expires on 1 January 2025.**</i>	NES-F 29
Unless the above condition results in a lesser area limit, the area of the farm used for intensive winter grazing must not exceed 50ha or 10 per cent of the farm area, whichever is greater.	NES-F 26
The slope of the paddock used for intensive winter grazing must be no more than 10 degrees, determined over any 20m horizontal distance.	NES-F 26
On the paddock used for intensive winter grazing: <ul style="list-style-type: none"> • all reasonable steps must be taken to minimise the adverse effects of pugging on freshwater; and • vegetation must be established as ground cover over the entire area as soon as practicable after livestock have finished grazing. 	NES-F 26A and 26B
Livestock must be kept at least 5m away from any from the bed of any river, lake, wetland or drain, regardless of whether there is water in it at the time.	NES-F 26
Critical source areas within the IWG area must be maintained in vegetation and must not be cultivated. Forage crops must not be harvested and the land must not be grazed.	NES-F 26

*Intensive winter grazing is defined as grazing livestock on annual forage crops at any time in the period that begins on 1 May and ends with the close of 30 September of the same year.

**Regulation 29 has been in force since 1 May 2021 and is temporary (it will be revoked on 1 January 2025), because the NPS-FM directs regional councils to review their rules before the rule's expiry date and to decide whether specific rules to manage intensive winter grazing are required in their region.

Be aware

This is not a complete and detailed copy of the conditions of the permitted activity rules for intensive winter grazing. It is only a guide and should be used in conjunction with the NES-F, which can be found on our website: waikatoregion.govt.nz/essential-freshwater.

If you comply with all the conditions of the permitted activity rules outlined in the NES-F at all times, you do not need a resource consent for these activities.

Please remember that activities on your farm may also be restricted by other documents, such as your local council's district plan.

Failure to comply with the conditions of the permitted activity rules, or the conditions of a consent, is an offence and may result in enforcement action by Waikato Regional Council.

If you are unsure about how to comply with the conditions or need further information, please call us.

13

Constructed wetland and sediment detention bunds

Ngā kōreporepo kua
whakatūhia me ngā
puna hopu waipara

13.1 Constructed wetlands

Constructed wetlands are internationally recognised as an effective way to reduce contaminant loads from agriculture. They capitalise on natural processes to improve water quality and can provide a wide range of other benefits, like habitat for native flora and fauna and support for mahinga kai (gardens/food gathering places).

Constructed wetlands are typically created in a location where a natural wetland would not ever exist, such as in the middle of a flat or sloping paddock. Wetlands created in wet gullies, around seeps, or in low lying swampy land are typically considered restored former natural wetlands. Constructed wetlands are not subject to the natural wetland rules or the stock exclusion rules set out in this guide. Restoring former natural wetlands is subject to a permitted activity rule in the NES-F and typically will not require consent, provided the conditions are met. For more information see the section on activities in or near wetlands on page 38 of this guide.

13.2 Sediment detention bunds

Sediment detention bunds are a valuable tool to capture sediment from tracks, steeper paddocks and areas of exposed soil that is transported by overland flow during heavy rain. These bunds are generally created off-stream, in overland flow paths such as swales or dry gullies. Typically, sediment detention bunds will be designed with a decanting system that allows sediment to settle, and separated water to flow through the bund and back into its normal flow path. Sediment detention bunds must be carefully designed to avoid erosion, and accumulated sediment must be periodically removed to maintain ongoing capacity for future rainfall events.

Be aware

To be permitted, constructed wetlands and sediment detention bunds must comply with the dams and damming water section of this guide. Earthworks associated with the construction of the wetland must meet the earthworks and vegetation clearance section on page 18 of this guide.



14

Taking and using water

Ngā whakahaere wai

Managing water take is necessary for the health of our waterways and to ensure people use our water resources efficiently. There are some circumstances where you may take water without a resource consent, providing you comply with all the conditions outlined in the *Waikato Regional Plan*. These circumstances and the key conditions are noted on the following pages. Note that there are additional restrictions on taking, using, damming, diverting or discharging water in or within 100m of a natural wetland. See the section on activities in or near wetlands on page 38.

Anyone taking more than 15m³ of water a day for farm use (such as irrigation, washdown) needs a resource consent. Other water takes, for uses such as domestic and stock water, are excluded from the 15m³.

14.1 Supplementary groundwater takes

Groundwater takes generally refer to taking water from a bore or well. Section 14(3)(b) of the Resource Management Act allows people to take and use water for their own domestic and stock watering needs. Additional water that is taken is referred to as “supplementary”.

You can take up to:

- 1.5m³ per day on sites that are 1ha or less
- 1.5m³ per day on sites where the well is within 600m of the coastal marine area
- 15m³ of groundwater from all other sites.

Key conditions	
To be a permitted activity	WRP rule or NES-F reg number
The take(s) must be from a single certificate of title.	WRP 3.3.4.12
The site must be more than 100m away from a significant geothermal feature.	WRP 3.3.4.12

14.2 Supplementary surface water takes

Surface water takes generally refer to taking water from a stream, river or spring. Section 14(3)(b) of the Resource Management Act allows people to take and use water for their own domestic and stock watering needs. Additional water that is taken is referred to as “supplementary”.

If you are an existing water user you can take up to:

- 1.5m³ per day from sites that are 1ha or less
- 30m³ per day from the main stem of the Waipā River downstream of Ōtorohanga or from the main stem of the Waikato River downstream of Lake Taupō from sites that adjoin either of these rivers
- 15m³ per day from all other sites.

If you are new to a catchment, or an existing landowner who has intensified or changed the way you use your land, you must call us – before taking any water – to confirm whether the primary allocable flow for the catchment has been exceeded. If it has been exceeded, section 14(3)(b) of the Resource Management Act will not apply and you will need a resource consent for any surface water takes.

Key conditions	
To be a permitted activity	WRP rule or NES-F reg number
The take(s) must be from a single certificate of title.	WRP 3.3.4.13
Your net take rate must not exceed the total primary allocable flows for the upstream catchment. To learn more about allocable flows, see the hints.	WRP 3.3.4.13
If you already have a water take consent for the site, any water you take under this rule can't be used for the same purpose your consent is for.	WRP 3.3.4.13

14.3 Temporary takes

You can temporarily take 150m³ of water per day from any river or aquifer, but for no more than five consecutive days per year.

Before taking any water, you must call us to confirm whether the primary allocable flow for the catchment has been exceeded. If it has been exceeded, you will need a resource consent for temporary takes.

Also, if the temporary take is for well or aquifer testing, other rules apply (see below).

Key conditions	
To be a permitted activity	WRP rule or NES-F reg number
For surface water, your net take rate must not exceed the total primary allocable flows for the upstream catchment. To learn more about allocable flows, see the hints.	WRP 3.3.4.14
For groundwater, the well must be more than 600m away from the coastal marine area.	WRP 3.3.4.14
You must notify Waikato Regional Council 10 working days before taking any water. Notification must be in writing and should include the location, time and duration of the take.	WRP 3.3.4.14

14.4 Well or aquifer testing

Key conditions	
To be a permitted activity	WRP rule or NES-F reg number
You can't take more than 2500m ³ or 2500 tonnes per day, and the pumping period can't exceed three days.	WRP 3.3.4.15
The site must be more than 100m away from a significant geothermal feature.	WRP 3.3.4.15
You must send your pump test records to Waikato Regional Council within one month of completing testing. To find out what information needs to be included in your records, look up this rule in the <i>Waikato Regional Plan</i> .	WRP 3.3.4.15

14.5 Discharge and intake structures

Key conditions	
To be a permitted activity	WRP rule or NES-F reg number
The intake structures for all (ongoing or temporary) surface water takes need to comply with the screen and velocity standards for that waterbody. These standards are set out in section 3.2.4 of the <i>Waikato Regional Plan</i> .	WRP 4.2.10.1
The pipe diameter shouldn't be more than 300mm and the structure can't extend more than 5m horizontally from the river or lake bank, or for more than 10 per cent of the river bed width (whichever is the lesser).	WRP 4.2.10.1
Your structures must be well maintained.	WRP 4.2.10.1

14.6 Transfer of surface water and groundwater take permits

You can transfer all or part of your interest in a water permit for the taking of water to:

- any person or occupier of the site for which the permit is granted (surface and groundwater take permits)
- another person on another site (surface water take permits only).

Key conditions	
To be a permitted activity	WRP rule or NES-F reg number
You must notify Waikato Regional Council in writing five working days prior to the water permit transfer. Look up this rule in the <i>Waikato Regional Plan</i> to find out what your notification must include.	WRP 3.4.4.3
For surface water, the water permit transfer must be within the same catchment to any point downstream of the location to which the permit applies.	WRP 3.4.4.3
The water management class (see section 3.2.4 of the <i>Waikato Regional Plan</i>) must be the same at the new site. If it's a different class, the water intake screening and velocity requirements must be the same or less restrictive.	WRP 3.4.4.3
Under this rule, you can't transfer a groundwater take permit to another location.	WRP 3.4.4.3

14.7 Use of water

The use of water is a permitted activity, with the exception of geothermal water and water that is being used for a dam or diversion or for crop and pasture irrigation.

Key conditions	
To be a permitted activity	WRP rule or NES-F reg number
You must comply with the water management class standards. These standards are set out in section 3.2.4 of the <i>Waikato Regional Plan</i> .	WRP 3.2.4

14.8 Use of water for crop and pasture irrigation

Water can only be used for some existing crop and pasture irrigation activities without a resource consent. If you're irrigating for the first time, expanding the area of land you irrigate, or carrying out irrigation in either the upper Waikato River catchments (that's everything above the Karāpiro Dam to the Lake Taupō control gates), or in the catchment of any of the lakes and wetlands listed in section 3.4.5.7 of the *Waikato Regional Plan*, you will need a resource consent. Farm dairy effluent is excluded from this rule, unless the effluent is applied through a water irrigation system. Effluent is addressed in section 10, starting on page 41 of this guide.

There are also temporary* restrictions on increasing the area of dairy farm land that may be irrigated. Under the NES-F, the area of dairy farm land that is irrigated cannot be increased by more than 10ha over the area being irrigated in the 12 months prior to 2 September 2020 unless the increase is authorised by a resource consent.

Key conditions	
To be a permitted activity	WRP rule or NES-F reg number
You can't apply water in a way that exceeds the water holding capacity or the infiltration rate of the soil.	WRP 3.4.5.6
You must use irrigation water balances and must be able to show these to Waikato Regional Council, if requested. To find out what your irrigation water balances should include, look up this rule in the <i>Waikato Regional Plan</i> .	WRP 3.4.5.6
The area of dairy farm land being irrigated may not increase by more than 10ha from the area that was irrigated during the period 2/9/2019 to 2/9/2020. <i>This requirement is temporary and expires on 1 January 2025.*</i>	NES-F 20

*The restriction is temporary, because the National Policy Statement for Freshwater Management directs regional councils to review their rules before the rule expiry date and decide whether specific rules to manage the use of water for irrigation are required.

Hints

- Based on the guideline value of 70 litres of water per cow per day for use in the dairy shed, we expect that herds of less than 215 cows will be taking less than 15m³ per day. For information about other livestock water requirements, see waikatoregion.govt.nz/forfarmers. But if you're not sure how much water you use, you should check.
- Each surface waterbody has an allocable flow set for it. These limits are specified in table 3-5 of the *Waikato Regional Plan*. The limits are percentages and apply at the point of take.
- To set an allocable flow, Waikato Regional Council estimates the volume of water that is already being taken out of that surface waterway, for example, under s14(3)(b) of the Resource Management Act (stock water and domestic supply) and permitted activity rules. This is then built into the allocation calculator as 'permitted use', and therefore this portion of flow is not available to others.

Consented takes from that surface waterway are then included in the calculator. This defines how much water is being taken from the waterway, and hence the current allocation status of that surface water catchment.

- Groundwater takes are assessed on a case-by-case basis in regards to sustainability, and impacts on other users and waterbodies.
- If you want to transfer all or part of your interest in a water permit for surface water to another person where there is a change in the water management class, or you want to transfer upstream (surface water), or to another part of the catchment (groundwater), a consent will be required because the environmental effects need to be assessed.
- Screen mesh aperture requirements for surface water intake structures range between 1.5mm and 5mm in diameter, depending on how sensitive the waterway is.
- Taking, using, damming, diverting or discharging water in proximity to natural wetlands is very strictly controlled by the NES-F and under the *Waikato Regional Plan*. If you intend to undertake any drainage activities, or any earthworks, land disturbance or vegetation clearance in or near a wetland, you will probably need a resource consent. For more information see the section on activities in or near natural wetlands on page 38 of this guide.

Useful resources

- waikatoregion.govt.nz/forfarmers
- waikatoregion.govt.nz/regionalplan

Be aware

This is not a complete and detailed copy of the conditions of the permitted activity rules for taking and using water. It is only a guide and should be used in conjunction with the NES-F and the *Waikato Regional Plan*, which can be found on our website. Printed copies of the regional plan and other associated documents can be ordered online or by calling 0800 800 402.

If you comply with all the conditions of the permitted activity rules outlined in the NES-F and the *Waikato Regional Plan* at all times, you do not need a resource consent for these activities. If, for any reason, you are unable to comply with the conditions, you are required to obtain a consent for your activity.

Please remember that activities on your farm may also be restricted by other documents, such as your local council's district plan.

Failure to comply with the conditions of the permitted activity rules, or the conditions of a consent, is an offence and may result in enforcement action by Waikato Regional Council.

If you are unsure about how to comply with the conditions or need further information, please call us.

He taiao mauriora

Healthy environment

He ōhanga pakari

Strong economy

He hapori hihiri

Vibrant communities

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