

National Environmental Standards

Freshwater Intensive Winter Grazing

UPDATED MAY 2021





On 3 September 2020, central government's Essential Freshwater package was announced. These detail the national direction for halting the degradation of our rivers, lakes and streams. These rules apply to farms on which 20 hectares or more is in pastoral land.

In March 2021, central government announced that some of the new regulations around intensive winter grazing (IWG) would be deferred until next year while a farm plan module is developed by the Ministry for the Environment (MfE). The new rules will now come into effect in May 2022, however **national rules restricting the expansion of intensive winter grazing still apply.**

Once all IWG regulations come into force from 1 May 2022, farmers who are unable to meet the permitted activity standards will have the option of obtaining a consent or completing the MfE IWG farm plan module.

As the national rules restricting expansion still apply, any winter grazing in 2021 that does not meet the following conditions will require a consent:

- land on the farm must have been used for IWG during the period 1 July 2014 to 30 June 2019; and
- the area of the farm that is used for IWG must not exceed the maximum area that was used during the period 1 July 2014 to 30 June 2019.

This rule restricting IWG expansion is temporary and lasts until a change to Horizons' Regional Plan is notified giving effect to the National Policy Statement for

Freshwater Management (NPS-FM) 2020, or by 1 January 2025, whichever is sooner.

This document is to help landowners who undertake intensive winter grazing to become familiar with the regulations and what is required for intensive winter grazing into the future.

Horizons Regional Council is currently working through the requirements and implications for monitoring and enforcement, however we encourage all landowners to become familiar with what is needed. There is an expectation that IWG practice noticeably improves over the coming year. A good starting point for this is the Ministry for the Environment's policies and regulations factsheets and your industry groups. Central government has recently released an Intensive Winter Grazing module that can inform IWG components of farms plans. This, alongside industry good practice guidelines, can be utilised to plan for the 2021 IWG season and ensure you are undertaking good management practices.

To view the relevant central government documents go to: bit.ly/mpi-freshwater

There are four parts to this document, and each is important for you to understand.

PART 1: provides important definitions.

PART 2: provides details for permitted activity intensive winter grazing.

PART 3: provides some Frequently Asked Questions and responses.

PART 4: provides the important dates for these intensive winter grazing rules.



PART 1:

Important definitions

Intensive winter grazing:

For the purpose of these new regulations, intensive winter grazing means grazing livestock on an annual forage crop at any time in the period that begins on 1 May and ends with the close of 30 September of the same year. This includes all owned livestock but does not include feral animals.

Annual forage crop:

An annual forage crop is defined in the revised National Environment Standards - Freshwater (NES-FW) as a "crop, other than pasture, that is grazed by livestock in the place where it is grown". When forage crop species are grazed for one winter before going into another crop or permanent pasture, especially where the crop is grazed until the ground is bare, this should be considered as an annual forage crop. Common forage crops include fodder beet and brassicas like kale, or swedes.

Pugging

Pugging is the penetration of soil to a depth of 5 centimetres or more by the hooves of grazing livestock.

Freshwater farm plan

Freshwater farm plans are under design and not required at this time. Over the next 12 or more months, the Government will engage with primary sector representatives, iwi and hapū, regional councils, environmental organisations and other interested groups to develop new regulations. The new regulations will set out requirements for freshwater farm plans and timeframes for when these plans are required.

It is likely that the freshwater farm plans will need to include:

- A farm map identifying features such as waterways, critical source (discharge of contaminant) areas, high erosion-prone areas and other risks to the health of the freshwater ecosystem
- A risk assessment across specific activities including irrigation, application of nutrients and effluent, winter grazing, stock-holding areas, stock exclusion, offal pits, and farm rubbish pits
- cultural effects
- schedule of actions to manage identified features and address identified risks.

Freshwater farm plans will need to be:

- approved by a suitably qualified and experienced person
- audited by independent auditors
- enforced by regional councils.

Bed

In relation to any river:

- for the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the river cover at its annual fullest flow without overtopping its banks
- in all other cases, the space of land which the waters of the river cover at its fullest flow without overtopping its banks.



In relation to any lake, except a lake controlled by artificial means:

- for the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the lake cover at its annual highest level without exceeding its margin
- in all other cases, the space of land which the waters of the lake cover at its highest level without exceeding its margin.

In relation to any lake controlled by artificial means, the space of land which the waters of the lake cover at its maximum permitted operating level.

In relation to the sea, the submarine areas covered by the internal waters and the territorial sea.

Lake

Means a body of fresh water which is entirely or nearly surrounded by land.

River

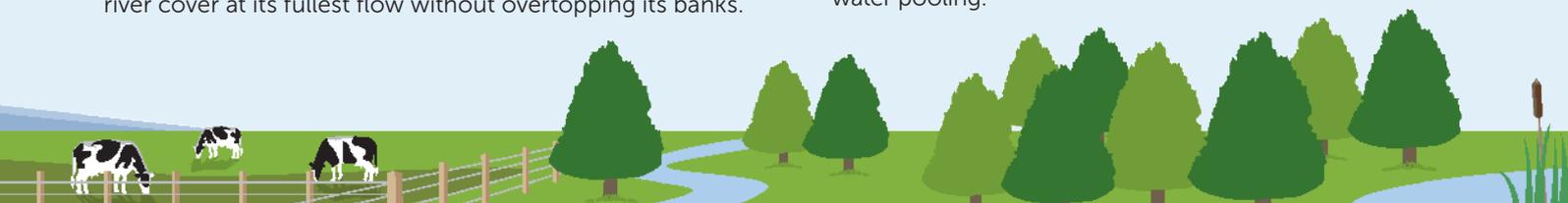
Means a continually or intermittently flowing body of fresh water, and includes a stream and modified watercourse, but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal).

Wetland

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.

Natural wetland means a wetland, as defined in the Act, 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 or
- (c) any area of improved pasture that, at the commencement date, is dominated by more than 50 per cent of exotic pasture species and is subject to temporary rain derived water pooling.





PART 2: Intensive winter grazing requirements

From 1st May 2021

For IWG to be permitted activity it must meet all of the following conditions:

- Land on the farm must have been used for IWG during the period 1 July 2014 to 30 June 2019; and
- The area of the farm that is used for IWG must not exceed the maximum area that was used during the period 1 July 2014 to 30 June 2019.

From 1st May 2022

For IWG to be permitted activity it must meet all of the following conditions:

- The activity must be no greater than 50 hectares or 10 percent of the farm area, whichever is greater
- The mean slope of the paddock used for IWG must be 10 degrees or less
- Pugging must not be deeper than 20cm at any one point in the paddock where IWG is occurring and pugging of any depth must not cover more than 50 per cent of the paddock. Note, this condition does not include areas within 10 metres of gateways and fixed water troughs
- Livestock being grazed intensively must be kept at least 5 metres away from the bed of any river, lake, wetland and drain regardless of whether there is any water in it at the time
- The area where IWG has occurred must be replanted as soon as practicable but no later than 1 October of the same year
- Land on the farm must have been used for IWG during the period 1 July 2014 to 30 June 2019
- The area of the farm that is used for IWG must not exceed the maximum area that was used during the period 1 July 2014 to 30 June 2019.

A resource consent will be required if all of these conditions cannot be met.

Intensive winter grazing can be permitted where a farm has a certified freshwater farm plan that applies to IWG.



PART 3:

Frequently asked questions

Do the rules apply to my property?

The rules apply to farms comprising 5 hectares or more of horticulture, 20 hectares or more of pasture or arable crops, or 20 hectares or more of a combination of any of these.

How do I measure the mean slope of a paddock?

There are many methods you can use to calculate the mean slope of a paddock and further guidance will be provided on this shortly.

Note: The Low Slope Land Viewer RM (Stock Exclusion) Regulations 2020 map was produced specifically for the stock exclusion regulations (and uses the LINZ Primary Parcel Area). It is not suitable for determining the slope of a paddock for intensive winter grazing regulations.

Are sheep included in these regulations?

Yes, sheep are included in the rules on intensive winter grazing under the NES-FW. However sheep are not included in the stock exclusion rules.

Where do I measure the bed of a river, lake, drain or wetland from?

Under the RMA, 'bed' is defined as the space of land which the water of the river covers at its fullest flow without overtopping its banks. You would measure the edge of the bed from here.

For example, think of stream width as being the width during high flows (small flood) which occur on an annual basis rather than during dry periods.

Where do I get a freshwater farm plan from?

Central government have yet to release the requirements for a freshwater farm plan and the certification process for those who can write the plan. At this time no one can design or certify a freshwater farm plan for your property. However, central government has recently released an IWG module that will be used to inform IWG components of farm plans and

enable them to be tested and incorporated into wider certified freshwater farm plans when they are rolled out from early 2022. This module can be utilised now in a non-regulatory capacity when planning your IWG for the 2021 season.

What is the cost of obtaining a consent?

Horizons' consent processing cost is yet to be determined. It is important to note that there will be additional costs involved for the applicant, such as the costs associated with putting the application together. Included in that is the requirement to seek feedback from iwi on the effects of the activity on Māori cultural values. This needs to be completed before applying for the consent.

How will I assess the effects on Maori cultural values?

This will require iwi, hapū or perhaps whānau (if on their land) to consider your IWG plan to determine any adverse effects on their cultural values, as associated with the proposed site or area. Values may be associated with a significant site or wāhi tapu, mahinga kai (food source), or matters concerning ritenga (customary practice). Their assessment may outline the effects on their values and relationship to the sites, and it may also provide recommendations on how to avoid, remedy or mitigate adverse effects.

Contact details and indicative rohe for iwi and hapū groups can be found at Te Kāhui Māngai website: www.tkm.govt.nz

What terms of consent can be granted i.e. is it an annual consent or can longer terms be granted?

The term of a consent will be determined on a case-by-case basis.

How do intensive winter grazing existing use rights apply?

If you carried out intensive winter grazing in the past and you're not planning on making any changes to the scale, scope or intensity of your wintering, then you may have what's called 'existing use rights'.

Existing use rights will apply for intensive winter grazing in 2022, if the effects of the winter grazing activity in 2022 are the same or similar in character, intensity, and scale as to how you have previously managed the activity, provided you apply for a consent for the activity moving forward by 31 October 2022.

This means that if you do not meet the permitted activity standards of the new rules, you have a six month period to apply for a consent from when the wintering regulations come into force (1 May 2022). You can carry out your winter grazing in 2022, provided you apply for a consent by 31 October 2022 for the activity moving forward.

Will Horizons accept consent applications now for intensive winter grazing?

IWG consent application forms can be completed or downloaded from our website at bit.ly/Horizons-consents. Please note, until all IWG regulations come into force on 1 May 2022, we will only be accepting applications if you cannot meet the relevant standards below:

- land on the farm must have been used for IWG during the period 1 July 2014 to 30 June 2019; and
- the area of the farm that is used for IWG must not exceed the maximum area that was used during the period 1 July 2014 to 30 June 2019.

For the winter grazing of 2021 that meets permitted activity (no expansions or new activities), what does the Council expect from farmers?

Farm will be expected to operate at good farming practice as developed by their industry bodies. There will be increased monitoring by Horizons of activities on the ground with initial action taken to assist farmers to comply before enforcement of any breaches of the rules.

PART 4:

Important dates and further information

FROM 1 MAY 2021:

New Intensive winter grazing – all new intensive winter grazing or expansions established after June 2019 will need resource consent. Applications can be made from 1 May 2021 up to 31 October 2021 if existing use rights apply.

Consent application forms and IWG Management Plan

Horizons has developed an IWG Management Plan to assist with completing a consent application. This can be found, along with the IWG consent application form, at bit.ly/Horizons-consents.

FROM 1 MAY 2022:

Intensive winter grazing – all intensive winter grazing that does not comply with permitted activity standards will need resource consent. Applications must be made no later than 31 October 2022.

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For more information visit www.horizons.govt.nz
or freephone Horizons on **0508 800 800**