Empowering Farmer Compliance

Auckland

Funded by Agriculture & Investment Services, Ministry for Primary Industries, Manatū Ahu Matua

A2E Access to Experts

perrin ag® NEW ZEALAND AGRI-BUSINESS ADVISORS

Prepared by Perrin Ag Consultants Ltd
Registered Farm Management Consultants

1330 Eruera Street, PO Box 596
Rotorua 3010
New Zealand

Phone: +64 7 349 1212
Email: consult@perrinag.net.nz
www.perrinag.net.nz

Disclaimer

This Resource Guide makes certain information and material available for your reference, but it is not to be mistaken for advice or consultancy services from Perrin Ag to you. Any decisions or actions taken in reliance on the information in this Resource Guide are taken at your sole risk.

Perrin Ag does not provide any warranty as to the accuracy, reliability or suitability for any purpose of the information and commentary contained in this Resource Guide and will not be responsible for any errors or misstatements howsoever arising.

Perrin Ag does not proffer an opinion with respect to the nature, potential value, financial viability or suitability of any farming activity, transaction or strategy referred to or connected with this Resource Guide.

To the fullest extent permitted by law Perrin Ag will have no liability whatsoever to any person in respect of any claim, loss or damages howsoever arising whether in contract, tort (including negligence) or otherwise, from the use or reliance on any information contained in this Resource Guide.

Acknowledgements

This project has been funded by the Ministry for Primary Industries through the Integrated Farm Planning Accelerator Fund and the Ministry for the Environment through the Access to Experts fund in collaboration with Auckland Council.

It has been supported by contributions from DairyNZ, Beef+Lamb NZ, OSPRI, No.8HR, GHA and the Ministry for Primary Industries.

Design by Envy Web + Design.

Version Control

The following version log details updates to this resource guide over time as regulations change. Digital, up-to-date resource guides are available on the Perrin Ag website: www.perrinag.net.nz/efc-resources.

Where a page(s) in this resource guide has been updated this is identified below in the version log. The version number in the footer of each page will also be updated to reflect the corresponding change and can be linked back to this log. Version 1 (V1) is the original version created 1 March 2025.

Table 1: Version log

Module	Version	Date updated	Changes made
Introduction	V1	01/03/25	-
Freshwater	V1	01/03/25	-
Greenhouse Gases	V1	01/03/25	-
Biodiversity	V1	01/03/25	-
People	V1	01/03/25	-
Animal Welfare	V1	01/03/25	-
Biosecurity	V1	01/03/25	-
Business	V1	01/03/25	-
Processor	V1	01/03/25	-

Contents

Using this Guide

This Resource Guide pulls together information on some of the key compliance areas facing New Zealand farmers. This guide is targeted at drystock, dairy, and horticultural farm businesses, although much of the information is applicable across the primary sectors.

Regulatory requirements can be complex and challenging to understand. This guide aims to assist you in understanding the compliance requirements for your farm, enable you to self-assess your own business and identify any compliance gaps, and provide links to further information and support.

The guide is not intended to be read cover-to-cover. It is set up so that you can flick between modules, and to the individual sections of interest within each module. The guide is intended as a starting point only. It does not provide an exhaustive list or description of all the regulation applicable to farming enterprises. Farmers should therefore check the relevant legislation before carrying out an activity, or consult a rural professional.

A digital version of this guide is also available online on the Perrin Ag website (www.perrinag.net.nz/efc-resources).

Icons used in this guide

Throughout the guide, you will notice the use of special icons.

Self-check

Check list provided to enable you to self-assess your compliance performance for a given topic. You should follow up on the areas you are unable to check off.

QR Codes

QR codes are used to provide links to further information. These codes can be scanned using a mobile phone to take you to the relevant website, and for the online version are clickable links.

Caution

Provides a cautionary note.

Watch this space

Regulation may be under review/changing.

1

FARM REGULATION REFERENCE GUIDE

Freshwater

Funded by Agriculture & Investment Services, Ministry for Primary Industries, Manatū Ahu Matua

A2E Access to Experts

perrin ag™ NEW ZEALAND AGRI-BUSINESS ADVISORS

Freshwater

Learning outcomes

- Understand the freshwater legislative landscape and where to find the applicable regulations.
- Understand how to determine which rule applies to your farming business.
- Understand the activity types used under the Resource Management Act.

Using this module

Due to the complexity and scale of freshwater regulation, this module has been broken down into sections covering:

- Farm Planning
- Critical source areas
- Intensive winter grazing
- Nitrogen (and fertiliser)
- Farm dairy effluent
- Stockholding areas and feedlots
- Stock exclusion from waterways
- Works in and around waterways
- Water takes
- Agrichemicals and Fuels
- Cultivation

Each of these sections contain background information and a general overview of the relevant regulations. Within each section, a regulation matrix is provided to identify the key rules and show where there are overlaps between national, regional, sub-regional and, in some cases, district rules. Links to the legislation and useful documents are provided along with a short self-assessment.

Caution

Please note, the regulation matrixes summarise the rules and should be used as a guide only. They do not provide a comprehensive or complete copy of the rules. Over time as regulation is amended and reviewed, changes to rules are likely to occur. Therefore, it is important that you always check back with the relevant legislation for complete details.

1 Freshwater: Table of contents

Table of contents

Background

New Zealand freshwater legislative landscape

» New Zealand's freshwater resource is highly valued. It is central to the New Zealand culture, supports health and wellbeing, sustains our biodiversity, supports the economy and is an important taonga for Māori.

» Given New Zealand's heavy reliance on freshwater, regulations have been put in place to enhance and protect the resource for current and future generations.

» The Resource Management Act (RMA) 1991 is the key legislative instrument to protect freshwater resources in New Zealand.

» Implementation of the RMA water quality requirements relating to farming is the responsibility of regional councils, and it is up to the regional councils to ensure that their regional plan's give effect to the rules under the RMA.

» The RMA is able to be reviewed and amended as deemed appropriate. As water quality has become an increasing focus for communities, further national regulation and standards under the RMA have been developed.

» This includes a suite of regulations and standards, commonly referred to as the "Essential Freshwater package". The regulations and standards in the Essential Freshwater package include:

- The National Policy Statement for Freshwater Management 2020 (NPS-FM)
  Provides national direction to local authorities on how they should manage freshwater. The government announced in October 2024 that it will be publishing a new national policy statement for freshwater management which will replace the NPS-FM 2020. Regional councils cannot notify new freshwater plans earlier than 31 December 2025, or the date when the new NPS-FM is published (whichever is sooner). New regional freshwater plans must, however, be notified before 31 December 2027.
- National Environmental Standards for Freshwater (NES-F)
  Sets minimum standards for certain activities (e.g., Intensive Winter Grazing, stockholding areas, application of N fertiliser, intensification, and other activities) that pose a risk to freshwater.
- Stock exclusion regulations
  Restricts the access of cattle, pigs and deer to wetlands, lakes and rivers.
- Amendment to the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010
  Introduces requirements for use of telemetry systems for monitoring and reporting water use to council.
- Freshwater Farm Planning regulations
  New regulations introduced requiring farms to undertake a specific farm planning exercise that assesses a farm's impact to freshwater and develops a tailored action plan to address risk areas.

» With the release of the Essential Freshwater package, minimum standards and regulations have now been created nationally. These are in addition to the existing regional and catchment-based regulations, and any district rules.

- When the Essential Freshwater package was released, regional water quality regulation was in varying states of development throughout the country.
- This has led to a landscape where many regulations overlap, meaning that regulations exist at multiple levels for some activities, and these regulations are not always the same.
- Therefore, when considering an activity and what rules may apply it is essential to check the regulation at all levels (national, regional, sub-regional, district). Where multiple overlapping rules or conditions apply, the most stringent rule or condition must be adhered to.
    - *For instance, the National Environmental Standards for Freshwater allows up to 190 kg/ha/yr of synthetic nitrogen fertiliser to be applied to pasture each year. However, the Auckland Unitary Plan only allows up to 150 kg/ha/year of nitrogen to be applied from all sources on sandy or volcanic soils. Therefore, despite the well-publicised and promoted "N cap" regulations, the existing regional rules are more restrictive and must be adhered to.*
- Over time, as the Auckland Unitary Plan is reviewed the legislative landscape should simplify. However, there may always be a need for more stringent regional rules where issues specific to a catchment arise.

Freshwater policy in the Auckland region

- Unlike most regions, Auckland Council operate as a unitary authority. This means they perform the roles of both regional and district councils. As a unitary authority the Auckland Council is responsible for the development and implementation of the Auckland Unitary Plan. This plan contains the Regional Policy Statement (this generally directs the regional and district plans), the Regional Coastal Plan, regional plan and district plan provisions (Figure 1).
- The Auckland Unitary Plan is the key document that governs the management of natural and physical resources in the Auckland Region under the RMA. It contains the operative rules relevant to farmers and freshwater management.
- The regional planning provisions within the Auckland Unitary Plan give effect to the Regional Policy Statement, which in turn gives effect to the RMA and national policy statements.
- The Auckland Unitary Plan is operative in part. The regional planning provisions apply to the entire Auckland Region. The district provisions apply to the entire region other than the Hauraki Gulf Islands which are covered under the Auckland Council District Plan – Hauraki Gulf Islands Section.
- Within the Unitary Plan, the requirements to undertake an activity vary depending on the property location. For example, in the Rural – Countryside Living Zone, intensive farming (feedpads, feedlots etc.) is a non-complying activity whereas in the Rural – Rural production zone, it is permitted (Figure 2). Similarly, within the Natural Streams Management Overlay (Figure 3), a discretionary consent is required to install a culvert, whereas in areas outside the overlay, it is generally a permitted activity.
- Given the rules in the Unitary Plan are often specific to defined zones, Auckland Council has provided an online mapping tool ("Geomaps") that allows a person to identify which zone they are in and whether there are any overlays (areas identified as having specific values requiring targeted and bespoke rules) on their property.
- Currently, like all regional councils, Auckland Council is completing a Freshwater Policy Review in line with requirements under the RMA. This review is expected to bring the Auckland Unitary Plan into line with the national direction.
- These new regional plans are required to be notified by the end of 2027, and will see changes to the current plan and rules.

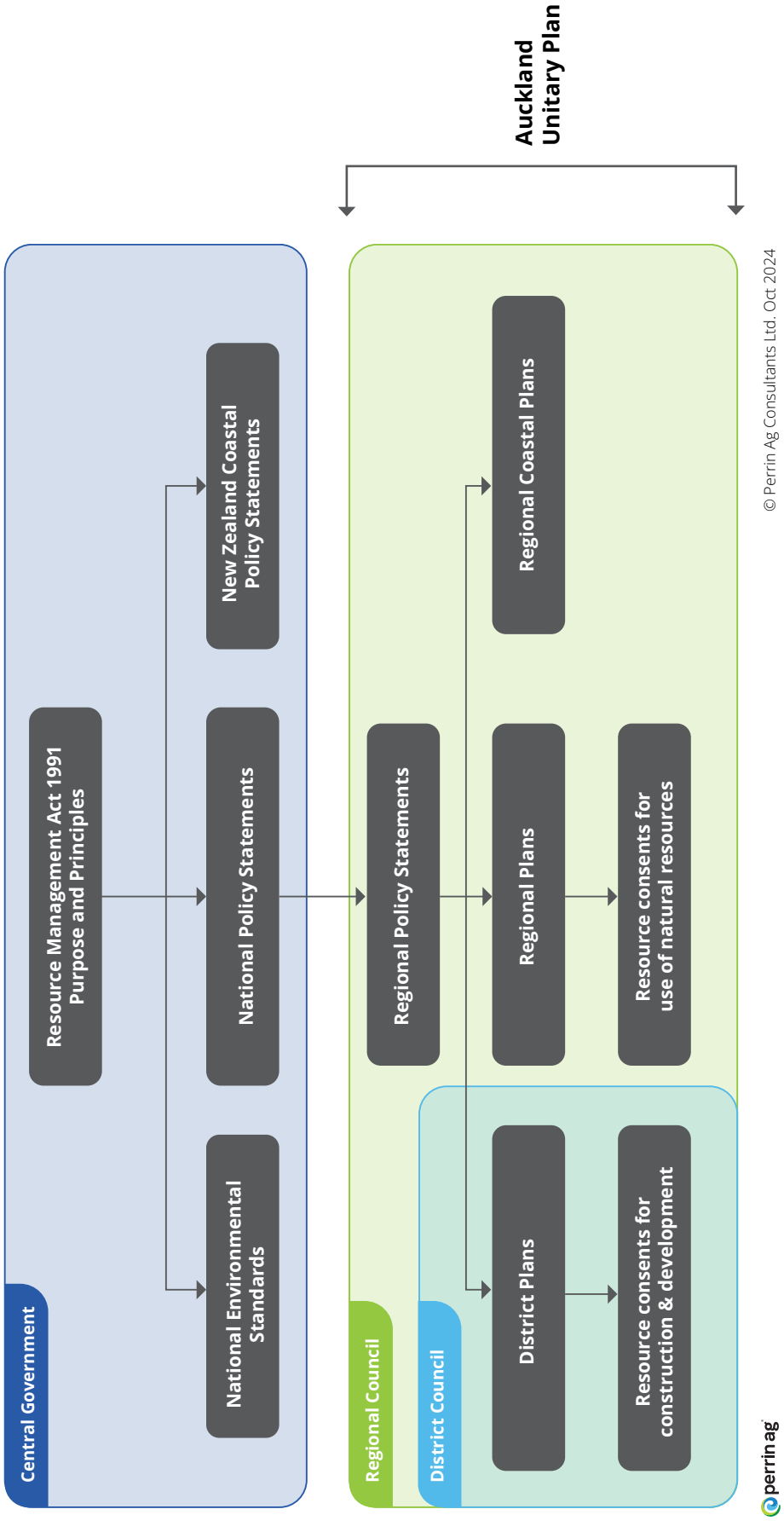


Figure 1: Hierarchy of freshwater policy in New Zealand.

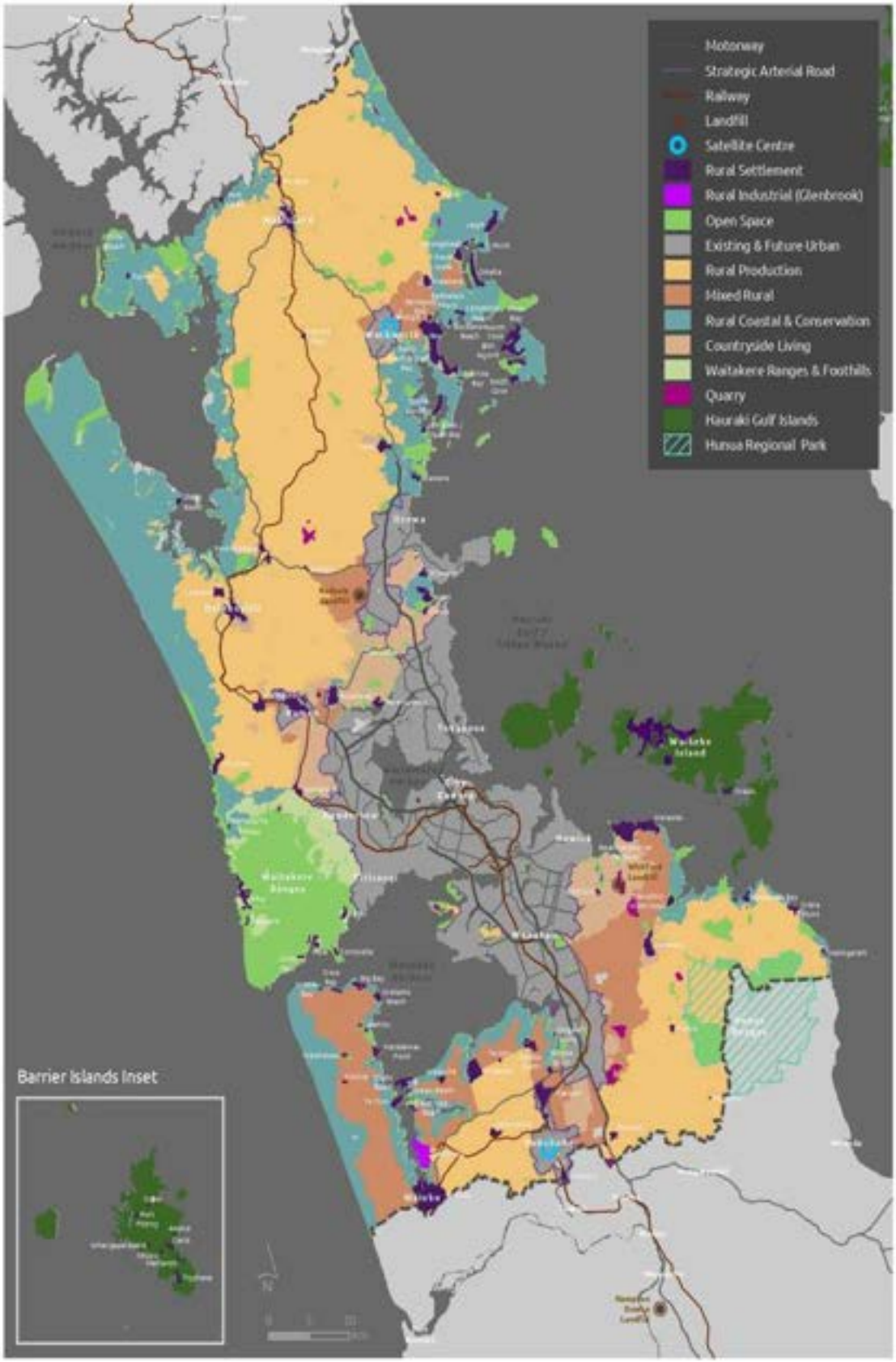


Figure 2: Map identifying the rural zones within the Auckland region

Figure 3: Satellite view of example location in Auckland GeoMaps tool (top image) with specific overlays turned on in the bottom image.

Resources

Auckland Council GeoMaps tool.
A GIS system containing spatial layers showing the planning zones, overlays and other useful information for a property.

https://unitaryplanmaps.aucklandcouncil.govt.nz/upviewer/

Understanding pathways to compliance

» There are many different classes of activities within the RMA and associated regulations that govern how a certain activity may occur.

» The definitions for each of the activity classes are provided in Table 1.

» Permitted activities have the lowest hurdles for undertaking the activity. The imposed conditions for undertaking the activity increase as the consent levels move from a controlled consent to a non-complying activity. A consent cannot be granted for a prohibited activity.

Table 1: Description of the different activity classes.

Activity class	Consent required?	Additional details
Permitted activity	No	» Activity allowed to occur without consent provided the permitted activity standards are met.
Controlled activity	Yes	» Consenting authority must grant resource consent provided conditions met.
Restricted discretionary activity	Yes	» Consenting authority has power to grant or decline a consent application and impose conditions on the consent. » Declining a consent application or imposing conditions is restricted to matters over which council has restricted its discretion to as per the relevant regulation, rule or plan.
Discretionary activity	Yes	» Consenting authority may decline the consent or grant the consent with or without conditions. » If granted, the consenting authority may impose any conditions they deem appropriate.
Non-complying activity	Yes	» Consenting authority may decline the consent. » For the consenting authority to grant the consent, they must be satisfied that the effects on the environment would be minor or that the activity won't contradict any current or proposed plan.
Prohibited activity	n/a	» No application for a resource consent can be made. » Activity cannot occur.

Existing Use Rights

» Under the RMA, existing use rights are acknowledged and in some cases an activity may continue despite it contravening a rule in a plan. Existing use rights are treated differently depending on whether the activity is impacted by district or regional rules.

» Where district plan rules change and a land use is no longer permitted, the activity may be able to continue provided:

- The activity was lawfully established before the new rule became operative or the proposed plan was notified, and
- The effects of the land use are the same or similar in character, intensity, and scale to those which existed before the rule became operative or the proposed plan was notified, and
- The land use was not discontinued for a continuous period of more than 12 months after the rule in the plan became operative or the proposed plan was notified.

» Where the status (i.e., permitted or consented) of an activity governed by the regional plan changes (e.g., effluent application goes from being permitted under the current plan to a consented activity under the proposed plan), the activity may continue until a rule in a regional plan becomes operative if:

- The activity requires a consent under the proposed plan, and
- The activity was a permitted activity and was lawfully established, and
- The effects of the activity are the same in character, intensity and scale to the effects before the rule became operative, and
- The activity has not been discontinued for a continuous period of more than six months since the rule was notified.

» If a person wishes to continue the activity that now requires a resource consent, they must apply for that consent within 6 months of the relevant rule becoming operative.

» In all situations, it is up to the person carrying out the activity to prove that they meet the requirements of an existing use right.

Caution

The legalities of existing use rights are complex. Where existing use rights are planned to be relied upon it is advisable to seek legal advice.

Freshwater

Farm Planning

On 25 October 2024, the government legislated a pause to the freshwater farm planning regulations while a review of the legislation is undertaken. We expect that freshwater farm plans will be required in the near future, however, the format and content of these plans are likely to change from the current requirements.

Freshwater

Critical Source Areas (CSAs)

Learning outcomes

- To be able to describe what a Critical Source Area (CSA) is.
- To be able to identify CSAs on your property.
- Understand the key regulations that govern CSAs, and which regulations might apply to your farm.
- Know where to find the full details on the relevant legislation and other supporting information.
- Understand what gaps your farm business might have regarding managing CSAs.

Key compliance actions

- [ ] Identify and meet the applicable national, regional and district rules relating to CSAs
- [ ] Create maps and records to demonstrate compliance against the relevant rules.

Background

» Critical source areas are those areas within a farm or catchment that contribute a disproportionately large quantity of contaminants to water (relative to their extent). They are generally places where contaminant sources overlap with flowpaths connected to a waterway (Figure 1). While CSAs are often linked to areas of high stock density, they can also be areas such as offal holes, silage pits, farm dumps, slips or areas of earthworks.

» Under the National Environmental Standards for Freshwater (2020), a specific definition for critical source areas is used in relation to intensive winter grazing. This is:

- *a landscape feature such as a gully, swale, or depression that accumulates runoff from adjacent land and delivers, or has the potential to deliver, one or more contaminants to one or more rivers, lakes, wetlands, or drains, or their beds regardless of whether there is any water in them at the time.*

» CSA discharges can be avoided or mitigated by moving the contaminant source out of the flowpath (e.g., moving a trough to higher ground, temporarily fencing off a flowpath), avoiding cultivation or intensive winter grazing within the flowpath, and redirecting the flow path into a grass paddock (e.g., adding cutouts to a farm track) to filter out contaminants before they reach a waterway.

» Common examples of critical source areas are shown in Figure 2 - Figure 4.

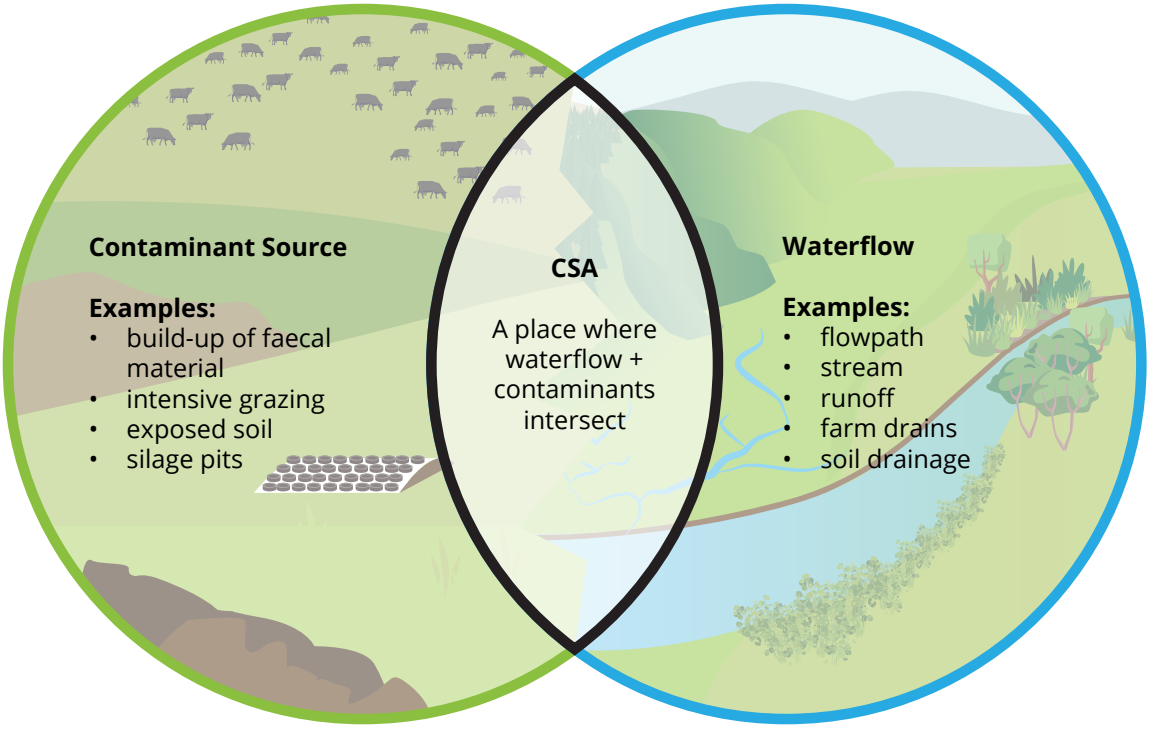


Figure 1: Description of a critical source area (CSA).

Figure 2: Water troughs can be a CSA when located in flowpaths due to the concentration of contaminants around the trough (left). Races can be a CSA and pose heightened risk when poorly maintained (right). Constructing a good camber and using effective cut-outs minimises risk by diverting flow off races away from waterbodies (photos from MfE critical source area guide).

Figure 3: Silage stack (left) and stock yards (right) can be a CSA for contaminants. Flow of water from these areas should be contained or managed to mitigate contaminant entering waterways (photos from MfE critical source area guide).

Figure 4: Flowpaths are risk areas as they can transport built-up contaminant during times of flow. During wet periods, these areas should be excluded from stock grazing and left in pasture to help filter out contaminant (left photo from HortNZ erosion and sediment control guidelines for vegetable production, right photo from WRC critical source area guide).

Regulatory framework

» Regulations relating to critical source areas are applied at the national, regional, and district level. Where rules or conditions overlap or duplicate between regulation (e.g., between national legislation and regional regulation) the most stringent will apply.

» Some of the key rules to be aware of, and how to comply with them, are provided below. They are also summarised in the regulation matrix on Table 2. The summaries and matrix should be used as guidance only. Always refer back to the legislation for the complete rules and conditions or talk to the council.

Key regulations and supporting information

National regulations: Critical source area management

» The requirement for freshwater farm plans was added to the Resource Management Act in July 2020. Freshwater farm plans will be a key instrument for regulating the management of CSAs in the future. Under these plans, a farmer will need to identify CSAs and develop a time-bound action plan to avoid, remedy or mitigate them.

» In September 2020, the National Environmental Standards for Freshwater (NES-F) and the Resource Management (Stock Exclusion) Regulations were released.

» The NES-F includes rules around Intensive Winter Grazing (IWG) and the associated management of CSAs. This aspect of CSAs is covered in more depth in the 'IWG' module.

» The Stock Exclusion regulations focus on improving water quality by excluding stock from waterways. However, the regulations also cover the management of bridges and waterway crossings which are a key critical source area on-farm. Runoff is required to be diverted away from these structures and the watercourse to avoid direct loss of contaminants to water.

Regional regulations: Critical source area management

» The rules relating to CSAs within the Auckland region contain conditions regulating how the following activities are undertaken:
  - stockpiling and composting of vegetative or animal waste,
  - silage storage and the discharge of silage leachate,
  - the disposal of dead stock,
  - cultivation,
  - effluent application conditions – covered in the 'Effluent' module,
  - earthworks on farm (e.g., cultivation, track maintenance, construction of ponds, fencing etc.),
  - channel clearance (clearing rivers, drain maintenance),
  - the disturbance of the bed of a lake, stream or river.

» Earthworks (including cultivation of paddocks for crops) is permitted where it is considered an "ancillary farming activity" (i.e. earthworks that support farm operations), however, this is conditional on implementing best practice erosion and sediment control measures as well as not having any significant effects on receiving waters. Guidance on "best practice" for earthworks can be found in:

  - Erosion and Sediment Control Guidelines for Vegetable Production (2014) – Horticulture NZ
  - Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (2016) - Auckland Council

» See the *Cultivation* sub-module for further information.

Rules relating to CSA management for the Auckland region

If this section relates to your farming enterprise, it is important you familiarise yourself with the rules noted beneath each condition.

Table 2: Regulation matrix providing a summary only of the rules relating to critical source areas. Refer to the relevant legislation or plan for complete details.

Critical Source Areas	National	Regional
	Resource Management (Stock Exclusion) Regulations 2020	Auckland Unitary Plan
Bridges and culverts	Required for dairy, dairy support and intensively grazed beef cattle unless stock are actively driven across and do not cross more than twice in any month. These regulations don't apply if the river bed is considered highly mobile and a bridge/culvert is too difficult to install. Stock must still be actively driven across in this case. *See Stock Exclusion Regs – Clause 7,9 10, 11, 12*	
Disposal of dead stock and offal onto or into land		Permitted activity subject to the following: - Disposal must be into an offal hole, shallow trench, or by composting. - Must not be located within 20 m of a waterbody, floodplain or the coastal marine area. *AUP E35.6.1.7*
Silage pits and stacks		Permitted activity subject to the following: - No runoff to intermittent or permanent streams or drains. - New and modified facilities must be sealed. - Must be covered. - Must not be located within 20 m of a waterbody, floodplain or the coastal marine area. *AUP E35.6.1.1 and E35.6.1.5*

Critical Source Areas	National	Regional
	Resource Management Act [RMA]	Auckland Unitary Plan
Earthworks on farm **(includes cultivation as well as all other soil disturbance resulting from farming activities)**		Permitted activity conditional on: - runoff from earthworks site must not cause any conspicuous change in colour, clarity or odour of receiving waters. - runoff from earthworks site must not cause receiving waters to be unsuitable for animals to drink or have a significant adverse effect on aquatic life. - Best practice sediment control measures must be implemented. - cultivating slopes up to 10 degrees requires a minimum 2 m vegetated buffer between cultivation area and waterbody. - cultivating slopes 10 to 20 degrees requires a minimum 5 m vegetated buffer between cultivation area and waterbody - cultivating slopes 20 to 30 degrees –requires a minimum 10 m vegetated buffer between cultivation area and waterbody. *AUP E11 E11.4.1 and E11.6.3*

Sources for further information

National legislation

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

Part 2, Subpart 3 - intensive winter grazing regulations.
Clauses 26 - 31.

Resource Management Act 1991

Freshwater farm plans – Part 9A. Describes content required in FWFP which encapsulates critical source area identification and mitigation.

Resource Management (Stock Exclusion) Regulations 2020

Stock Exclusion regulations - Clause 7-14

Regional rules

Auckland Unitary Plan

Chapter E Auckland-wide, Environmental Risk, E35: Rural production discharges.

Other sources

Erosion & Sediment Control Guidelines for Vegetable Production

A good practice guideline for the management of erosion and sediment under vegetable production systems.

Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region

Provides technical guidance for the selection, design and use of erosion and sediment control practices for earthworks in the Auckland region.

Other sources

Dairy NZ – Critical Source Areas

Factsheet on critical source area management for dairy farmers

Your trusted rural professional such as your farm advisor.

Auckland Council

Phone: 09 301 0101

Self-check: CSA management

Actions to meet critical source area rules

- ☐ Review the national and Auckland Unitary Plan rules and identify which ones apply to your farming business *(refer to the regulation matrix for guidance).*
- ☐ Monitor the development of rules in the Auckland region and as certified freshwater farm plans are rolled out and prepare for these to be implemented by:
  - ☐ Checking that your offal holes, farm dumps and silage storage areas comply with minimum setback distance requirements and there is no risk of discharge to water bodies
  - ☐ Identifying and mapping CSAs in preparation for freshwater farm plans.
  - ☐ Developing a plan (including a timeframe) to mitigate the identified CSAs.
  - ☐ If undertaking earthworks check and comply with the requirements in the regional and district plans.

Freshwater

Intensive Winter Grazing

Learning outcomes

- Understand what Intensive Winter Grazing (IWG) is.
- Understand the impact IWG can have on the environment.
- Understand the key regulations that govern IWG and which regulations might apply to your farm system.
- Know where to find the full details on the relevant legislation and other supporting information.
- Understand what changes your farm business might need to implement to comply with IWG regulations.

Key compliance actions

- [ ] Identify and meet the applicable national and regional rules relating to IWG.
- [ ] Keep records to demonstrate compliance with the relevant rules.

Background

» Intensive Winter Grazing (IWG) is the grazing of livestock on an annual forage crop between 1 May and 30 September.

» An annual forage crop means a crop that is grazed in the place where it is grown but does not include pasture or arable crops grown for harvest. (e.g., maize and cereals for grain or silage).

» IWG can result in significant amounts of soil, nutrients and pathogens entering waterways. Disturbed and exposed soil resulting from cultivation and stock treading damage can lead to significant amounts of phosphorus, sediment and faecal matter being lost in runoff. Nitrogen losses are also high due to cultivation, which increases the rate of soil organic matter breakdown and high stocking rates on crops. Both of these impacts are exacerbated during the winter months when the frequency of runoff events and soil drainage are greatest.

» To mitigate the contamination risk to waterways, the government has introduced legislation requiring minimum standards to be met and encouraged implementing good management practices through freshwater farm plans.

Regulatory framework

» Regulations relating to IWG are imposed at the national level. There are however additional cultivation rules applied at the regional level. The farm location determines which regulations apply to your business.

» Some of the key rules to be aware of, and how to comply with them, are provided below. They are also summarised in the regulation matrix on Table 1. The summaries and matrix should be used as guidance only. Always refer back to the legislation for the complete rules and conditions or talk to your regional council.

Key regulations and supporting information

National regulations: Intensive Winter Grazing

» In September 2020, the National Environmental Standards for Freshwater (NES-F) were released. These regulations included a section on Intensive Winter Grazing.

» The IWG rules were changed on 24 October 2024. The rules on pugging, ground cover, slope, history of usage and maximum area cropped have been removed from the regulations. The remaining rules relate to the:

- minimum setback distance from waterbodies, and,
- maintaining vegetation in critical source areas.

» Managing CSAs by not cultivating, grazing or harvesting crops within the IWG period is an integral component of complying with the IWG rules.

» A critical source area (as per the IWG definition) is defined as *"a landscape feature such as a gully, swale, or depression that accumulates runoff from adjacent land and delivers, or has the potential to deliver, one or more contaminants to one or more rivers, lakes, wetlands, or drains, or their beds (regardless of whether there is any water in them at the time)."*

» The rules therefore encourage farmers to leave these CSAs uncropped and in pasture to minimise the risk of contaminant loss to water.

Regional regulations: Intensive Winter Grazing

» There is no specific regional regulation for intensive winter grazing in the Auckland region, however, there are requirements for the cultivation of land.

» Earthworks (including cultivation of paddocks for crops) is permitted where it is considered an "ancillary farming activity" (i.e., earthworks that support farm operations), conditional on implementing best practice erosion and sediment control measures as well as not having any significant effects on receiving waters. Many of the best practice principles are captured in the image below.

» See the *cultivation* sub-module for further information

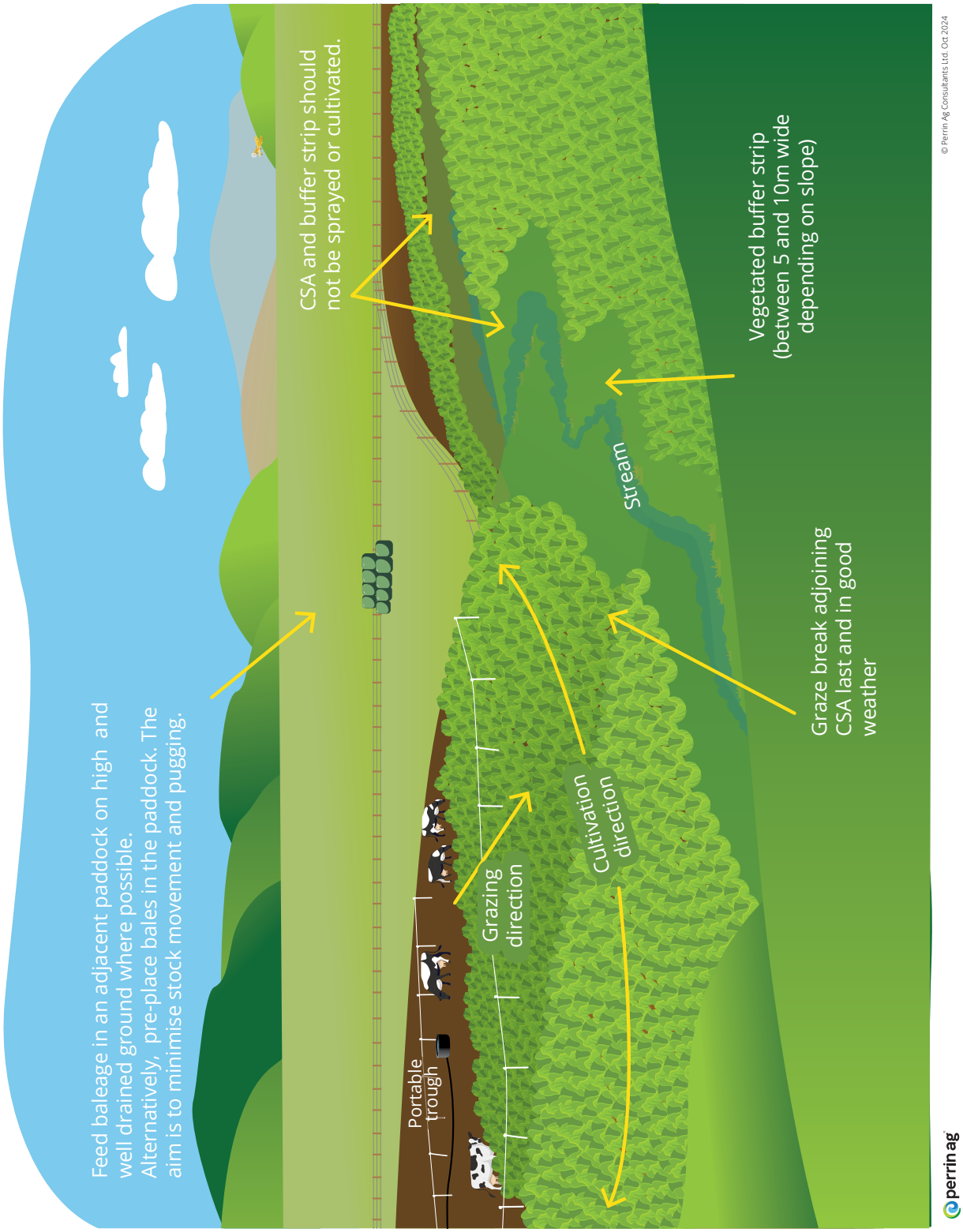


Figure 1: Good practice when undertaking intensive winter grazing.

Rules relating to IWG for the Auckland region

If this section relates to your farming enterprise, it is important you familiarise yourself with the rules noted beneath each condition.

Table 1: Regulation matrix providing a summary only of the rules relating to IWG activities. Refer to the relevant legislation or plan for complete details.

Intensive Winter Grazing (IWG) regulation	National	Regional
	Resource Management (National Environmental Standards for Freshwater [NES-F]) Regulations 2020	Auckland Unitary Plan
Buffers	The area of land used for IWG must be at least 5 m from the bed of any river, lake wetland or drain (regardless of whether it contains water at the time). *see NES-F, clause 26*	Cultivation is permitted providing a vegetated buffer strip is maintained between the edge of the cultivation and the coastal marine area, lake, stream or river as follows: - Up to 10 degrees slope: 2 m vegetated buffer. - 10-20 degrees slope: 5 m vegetated buffer. - 20 degrees plus slope: 10 m buffer. Cultivation must not cause: - A change in colour or clarity in waterways. - The water to be unsuitable for use as stockwater. - Any significant adverse effect on aquatic life. Industry best practice standards must be implemented. (See the 'Erosion and Sediment Control Guidelines for Vegetable Production' from Hort NZ for guidance on best practices related to cultivation and Auckland Councils 'Guidance Document 2016/005 Erosion and Sediment Control Guideline' for other farming activities). *AUP E11.4.1, E11.6.3*
Critical source areas	Between 1 May and 30 September critical source areas must have full vegetative ground cover, must not be grazed and must not be cultivated or harvested. *see NES-F, clause 27*	

Sources for further information

National legislation

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

Part 2, Subpart 3 - intensive winter grazing regulations.
Clauses 26 - 31.

Regional rules

Auckland Unitary Plan

Chapter E Auckland-wide, Natural resources, E11 Land disturbance - Regional.

Other sources

Ministry for the Environment (MfE)

Key guidance booklets covering all aspects of IWG, including managing critical source areas, minimising pugging and establishing groundcover.

Deer Industry NZ

Information and answers to FAQs relating to IWG.

Beef and Lamb NZ

Factsheet on IWG regulations for drystock farmers.

DairyNZ

Summary of rules, including decision-making tree on IWG for dairy farmers and links to winter grazing plan templates

Auckland Council

Phone: 09 301 0101

Your trusted rural professional such as your farm advisor or industry extension officer.

Self-check: Carrying out Intensive Winter Grazing

Actions to meet national legislation

- ☐ To meet the permitted activity status for IWG, ensure that:
  - ☐ Critical source areas are not grazed or cultivated, and vegetation is maintained in the IWG period of 1 May to 30 September;
  - ☐ The area of land used for IWG is setback at least 5 m from the bed of a river, lake, wetland or drain.

Actions to meet regional rules

- ☐ To meet the permitted activity status for IWG, ensure that:
  - ☐ The required width of vegetated buffer margin is left when cropping adjacent to a waterway or the coastal marine area.
  - ☐ Run-off and water quality is monitored during rain events when cropping adjacent a waterway or the coastal marine area.
  - ☐ MfE guidelines are followed to ensure good practice erosion and sediment control measures are implemented.

Freshwater

Nitrogen (and fertiliser)

Learning outcomes

- Have an understanding of what nitrogen is and why it is important.
- Understand the impact nitrogen and fertiliser can can have on the environment.
- Understand the key regulations that govern the application of nitrogen and fertilisers, and which regulations might apply to your farm.
- Know where to find the full details on the relevant legislation, and other supporting information.
- Understand what changes your farm business might need to implement to comply with nitrogen regulations.

Key compliance actions

- [ ] Identify and meet the applicable national and regional rules relating to nitrogen and fertiliser application.
- [ ] Keep records to demonstrate compliance with the relevant rules.

Background

» Nitrogen (N) is an important nutrient for plant growth and development of animal protein, including milk and meat.

» However, nitrogen can have negative consequences to water when surplus N is lost from the farm system through leaching or runoff. This includes supporting excessive growth of algal blooms and weeds in receiving waterways which degrades water quality, affects freshwater ecosystems, and can make waterways unsuitable for swimming and drinking.

» Key pathways of nitrogen loss to water include leaching of N from stock urine due to the concentrated nature in which it is deposited on pasture, and through leaching or runoff of N fertiliser or effluent when it is applied at levels unable to be taken up by plants. Cultivation and the resultant mineralisation of N from the decomposition of organic material is also a key pathway for N loss.

» By avoiding cultivation, reducing N inputs (e.g., in fertiliser and feed, and through stocking rate) and improving the efficiency of uptake (e.g., matching N applied with plant demand, applying in suitable conditions), nitrogen losses from a farm, and therefore the impact to the environment, can be minimised.

» Along with nitrogen loss, purchased N surplus is a useful metric for understanding farm environmental performance and is becoming a focus of regional councils and supply companies.

» The purchased N surplus is the difference between purchased N (i.e., N in fertiliser and feed), and N in product outputs (i.e. milk, meat and wool) and can easily be calculated from OverseerFM nutrient budgets. Increasing the efficiency of N use and reducing the N surplus will reduce the amount of N lost to the environment.

» While the application of nitrogen has been the focus of recent legislation, it is important to recognise that other fertilisers can have a detrimental effect on waterways.

» Phosphorus is a limiting nutrient in many New Zealand waterbodies. The loss of phosphorus from farms into lakes, rivers and estuaries promotes the excessive growth of algae leading to algal blooms, depleted oxygen levels and fish kills. Because of this, most regions have regulations governing the application of fertiliser.

Regulatory framework

» Regulations relating to nitrogen application are imposed both at the national and regional level. Where rules or conditions overlap or duplicate between regulation (e.g., between national legislation and regional regulation), the most stringent will apply.

» Currently, there are no regulations at the national level regulating the application of other forms of fertiliser; however, all forms of fertiliser are regulated at the regional level. This includes non-synthetic forms of nitrogenous fertilisers.

» Some of the key rules to be aware of, and how to comply with them, are provided below. They are also summarised in the regulation matrix on Table 1. The summaries and matrix should be used as guidance only. Always refer back to the legislation for the complete rules and conditions or talk to your regional council.

Key regulations and supporting information

National regulations: The "N-cap"

- In 2020 the National Environmental Standards for Freshwater (NES-F) were released. These regulations include a cap on nitrogen fertiliser application of 190 kg N/ha/yr applied to any individual hectare of pasture on a property 20 ha or greater.
- Higher rates of nitrogen may be applied to forage crops provided the overall farm average remains below 190 kg N/ha/yr.
- The nitrogen cap does not apply to crop areas that are not grazed. Nitrogen applied to a crop between the final grazing of the land and the crops harvest is not included in any N cap calculations.
- Any dairy properties or contiguous land holdings which incorporate a dairy platform (i.e., dairy farm and adjoining runoff) must report their nitrogen usage along with key data by 31 July each year to their regional council (refer to contiguous landholding examples in the 'further information' section). This can be done using:
  - Ravensdown's HawkEye app (https://www.hawkeye.farm)
  - Ballance's myBallance app (https://ballance.co.nz/myballance)
  - Regional councils N-cap web portal (https://n-cap.teurukahika.govt.nz)
- Reporting via the fertiliser industry apps will likely be the simplest method as much of the data required is already stored within the system. If N-cap reporting cannot be completed through Ravensdown or Ballance, and needs to be done through the web portal, then information required to meet the reporting requirements will include:
  - total land area of the farm,
  - total land area used for grazed forage crops, grazed non-forage crops, and un-grazed land,
  - kilograms of nitrogen fertiliser applied for each land use category,
  - name(s) of the fertiliser applied and its N percentage for each land use category,
  - your New Zealand business number (you may need to apply for one),
  - your Dairy Supply Number.

Regional regulations: Fertiliser (including nitrogen)

- The Auckland Unitary Plan aims to enable the application of fertiliser (including nitrogen) where:
  - the application is in accordance with best practice,
  - the rate applied does not exceed the ability of the plants and soil to use the nutrients,
  - the South Auckland volcanic aquifer is protected.
- The application of fertiliser to land is permitted providing it meets the conditions in the plan. The key requirements are that fertiliser is not applied within 20 m of a Wetland Management Area, the shoreline of a lake in a Natural Lake Management Area or the stream in a Natural Stream Management Area.

» These management areas are identified in the Council's mapping system "Geomaps". To find these areas:

1. Search for Auckland Council Unitary Plan Viewer or click on the following link: https://unitaryplanmaps.aucklandcouncil.govt.nz/upviewer/

2. Open the Geomaps Unitary Plan viewer tool.

3. Select "legend" - top left.

4. Uncheck the "Unitary Plan Zones" layer by clicking on the tick to the left of the text so that it shows an empty box. You should now see a satellite view of the Auckland region.

5. Begin typing in your property address in the address bar at the top of the page. A drop-down should pop-up. Select the address that you are looking for. Alternatively, if this does not work or you do not know the address, zoom into the area you want to look at by using the +/- buttons on the map and by dragging the map around using your mouse.

6. Under the legend options, click the down arrow to the right of "Unitary Plan Management Layers. This will open up the sub-categories.

7. Click on the down arrow beside "Overlays", and then the down arrow beside "Natural Resources".

8. You should now see the Natural Stream Management Areas Overlay, Lake Management Areas Overlay and Wetland Management Areas Overlay. Select these overlays by ticking on the box to the left of them.

9. Ensure any other boxes are unticked, then look on the map to see if nay of these areas are on your property.

Note: the layers only turn on when you are zoomed in sufficiently.

» As a rule of thumb, avoid applying fertiliser within 20 m of any wetland, lake or stream running through a bush environment.

» The permitted activity conditions also require that fertiliser is applied in accordance with the Fertiliser Association's "Code of Practice for Nutrient Management".

» Some of the key requirements of the code include:

- Match nitrogen applications to the growth potential of the crop (i.e., if it's too dry, cold or the pasture is too short, N applications are not appropriate).
- Apply fertiliser at an appropriate rate. Use split applications.
- Identify exclusion areas (riparian areas, stock camps, critical source areas etc.)
- Ensure equipment is properly calibrated and fertiliser is applied evenly.
- Avoid applying fertiliser when there is overland flow or heavy rain is forecast.

» The total amount of nitrogen applied to grazed pasture from all sources (including farm dairy effluent but not including animal urine) is limited. On sandy or volcanic soils no more than 150 kg N/ha/yr and 30 kg N/ha per 31 days can be applied. On all other soils 200 kg N/ha/yr and 50 kg N/ha per 31 days can be applied. Note that while the regional rules allow a maximum of 200 kg N/ha/yr, the national N-cap rules limit the amount of synthetic N applied to grazed pasture to 190 kg N/ha/yr. Because the national standard is more stringent, you must comply with this and apply no more than 190 kg N/ha/y.

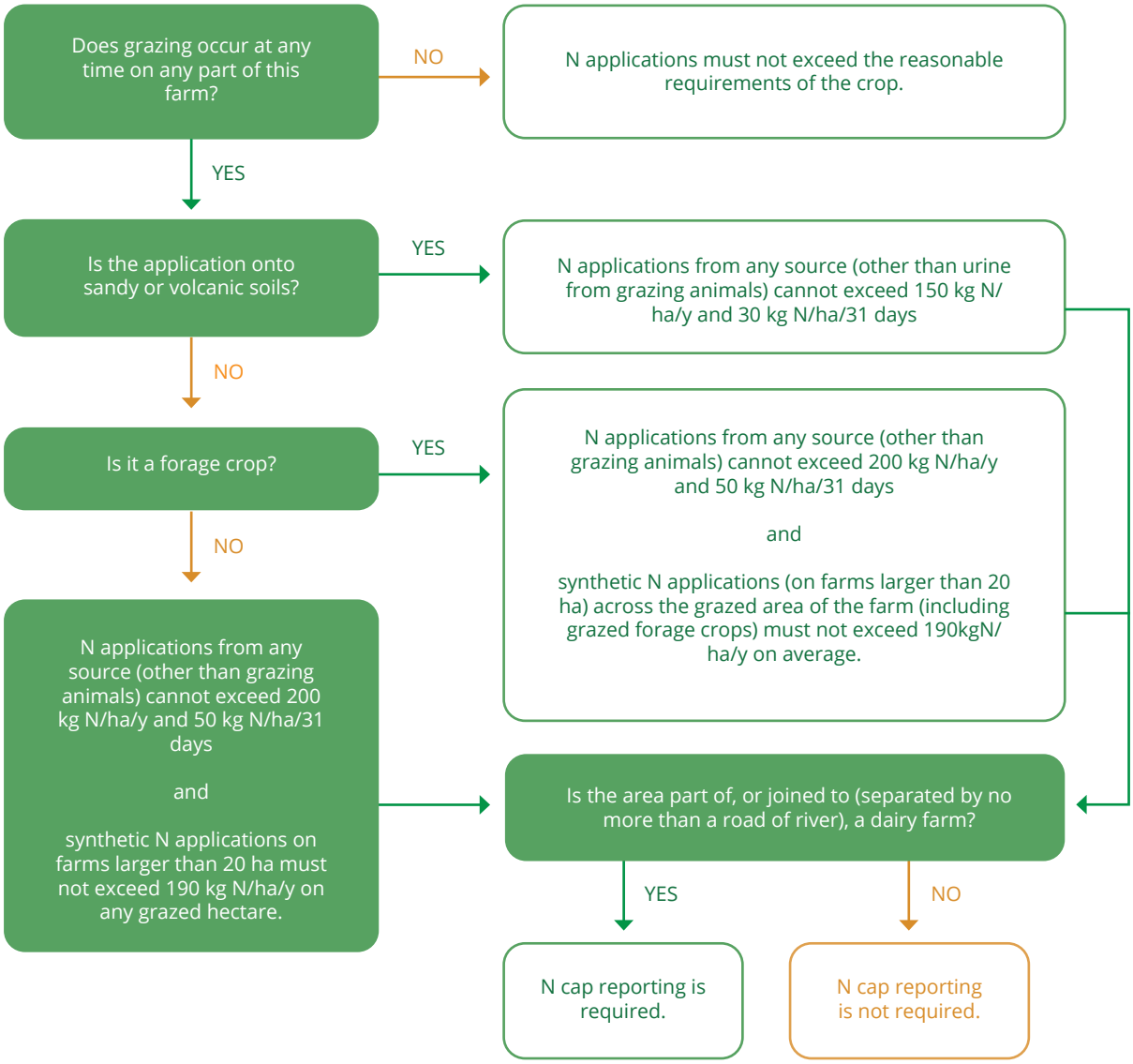
Rules relating to nitrogen application for the Auckland region

If this section relates to your farming enterprise, it is important you familiarise yourself with the rules noted beneath each condition.

Table 1: Regulation matrix providing a summary only of the rules relating to nitrogen and fertiliser application. Refer to the relevant legislation or plan for complete details.

Nitrogen application	National	Regional
	Resource Management (National Environmental Standards for Freshwater [NES-F]) Regulations 2020	Auckland Unitary Plan
Nitrogen fertiliser cap	≤ 190 kg synthetic N/ha on all contiguous land but; higher rate may be applied on forage crops provided the overall farm average remains ≤ 190 kg synthetic N/ha/yr. *see NES-F, Part 2 Subpart 4*	Sandy or volcanic soils ≤150 kg N/ha/yr and 30 kg N/ha per 31 days from all forms of applied N. All other soils ≤200 kg N/ha/yr and 50 kg N/ha per 31 days from all forms of applied N. For crops – no more than the crops reasonable nitrogen requirements *E35.6.1.1*
Nitrogen reporting	Any contiguous land holding including a dairy farm must report their nitrogen applications annually to regional council by 31 July. *see NES-F, Part 2 Subpart 4*	
Fertiliser application		Must be applied in accordance with the Code of Practice for Nutrient Management. Not to be applied within 20m of a Wetland Management Area, the shoreline of a lake within a Natural Lake Management Area and the stream edge within a Natural Stream Management area. *E35.6.1.3*

Nitrogen regulation flowchart.
Flowchart to determine maximum nitrogen application rates and reporting requirements as required by national and regional regulation.



Notes

- Fertiliser must not be applied within 20m of a Wetland Management Area, the shoreline of a lake within a Natural Lake Management Area and the stream edge within a Natural Stream Management area.
- All N limits refer to the N component of any fertilizer, compost or effluent.
- The N cap limit does not apply to land that isn't grazed. For example, any N applied to a silage paddock between the last grazing and harvest is not included in the N limits.
- If a crop or pasture area is grazed for less than 12 months, the 190 kilograms of nitrogen/ hectare/ year limit applies in full during that limited period and is not subdivided nor scaled down to match the timeframe, even if the pastoral use is brief.

Contiguous landholding.
The following illustrations provide different examples of contiguous landholdings and detail the regulatory requirements that each must follow to comply with the nitrogen cap regulations.

Example 1:

Contiguous land holding:
Milking platform and runoff property that share a boundary

Nitrogen cap requirements:

» Must comply with the N-cap:
- maximum of 190 kg N/ha/yr applied to any individual hectare of pasture.
- More than 190 kg N/ha/yr may be applied to annual forage crops.
- Maximum of 190 kg N/ha/yr averaged across the milking platform and adjoining runoff (pasture and forage crops).

» Must report nitrogen use on the dairy farm and adjoining runoff to council by 31 July each year.

Example 2:

Contiguous land holding:
Standalone drystock or runoff property. May be farmed in conjunction with a dairy property but the farms do not share a boundary

Nitrogen cap requirements:

» Must comply with the N-cap:
- maximum of 190 kg N/ha/yr applied to any individual hectare of pasture.
- More than 190 kg N/ha/yr may be applied to annual forage crops.
- Maximum of 190 kg N/ha/yr averaged across the property (pasture and forage crops).

» Not required to report nitrogen use to council.

Example 3:

Contiguous landholding:
Standalone milking platform

Nitrogen cap requirements:

» Must comply with the N-cap:
- maximum of 190 kg N/ha/yr applied to any individual hectare of pasture.
- More than 190 kg N/ha/yr may be applied to annual forage crops.
- Maximum of 190 kg N/ha/yr averaged across the property (pasture and forage crops).

» Must report nitrogen use to council by 31 July each year.

Sources for further information

National legislation

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

Subpart 4, Clauses 32-36: Application of synthetic nitrogen fertiliser to pastoral land

Regional rules

Auckland Unitary Plan

Chapter E Auckland-wide, Environmental Risk, E35: Rural production discharges.

Other sources

Ministry for the Environment (MfE)

Guidance booklets on understanding the N-cap rules including for dairy farms, livestock farms, arable cropping, forestry and horticulture.

DairyNZ

Information on understanding the nitrogen cap, including decision-trees for dairy and support blocks.

Spreadmark Code of Practice

Information on the placement of fertilisers where they can be of the most agricultural benefit.

Your trusted rural professional

including your fertiliser company rep or farm advisor.

Code of Practice for Nutrient Management

Good practice guidance on the application of fertilisers

Auckland Council

Phone: 09 301 0101

Self-check: Applying nitrogen and fertiliser

Actions to meet nitrogen and fertiliser legislation

- ☐ Review the national and unitary plan rules and identify which ones are applicable to your faming business *(refer to the regulation matrix for guidance).*

Actions to meet national legislation

- ☐ Meet the N-cap regulations by:
  - ☐ Not applying more than 190 kg N/ha/yr to the total farm area, or to any individual grazed pasture area.
  - ☐ Keeping records of N fertiliser applications, including the fertiliser type, N percentage, area and rate applied, and the date it was applied.
  - ☐ For dairy farms, reporting N application information to regional council for the year 1 July to 30 June by no later than 31 July.

Actions to meet regional rules

- ☐ Meet the permitted activity requirements by:
  - ☐ Recording your nitrogen application rates on each paddock and ensure they don't exceed the regional limits based on your soil type.
  - ☐ Checking whether there are any Wetland, Natural Lake or Natural Stream areas on your property and ensure there is a 20 m buffer when applying fertiliser.
  - ☐ Checking there is no heavy rain forecast before applying fertiliser.

Freshwater

Farm Dairy Effluent

Learning outcomes

- Have an understanding of what farm dairy effluent is and why it is important.
- Understand the impact effluent can have on the environment.
- Understand the key regulations that govern effluent application, and which regulations might apply to your farm.
- Know where to find the full details on the relevant legislation, and other supporting information.
- Understand what changes your farm business might need to implement to comply with effluent regulations.

Key compliance actions

- [ ] Identify and meet the applicable regional rules relating to effluent application.
- [ ] Keep records to demonstrate compliance against the relevant rules.

Background

» Farm dairy effluent (FDE) is the dung, urine, wash water and rainfall collected off the catchment area connected to the effluent system. It includes the liquids typically stored in a pond and any separated solids.

» The nutrient and dry matter content of FDE varies considerably. Typical values are provided in Table 1.

Table 1: Typical nutrient levels and dry matter content of farm dairy effluent (DairyNZ Facts & Figures).

Source	%DM	N (kg/ m^3)	P (kg/ m^3)	K (kg/ m^3)	Spreader type
Liquid – farm dairy (fresh or sump)	< 1.0	0.45	0.06	0.35	Irrigator
Liquid – storage pond	<0.5	0.25	0.03	0.3	Irrigator
Feed pad – slurry	4.0	1.5	0.3	1.0	Slurry tanker
Feed pad – liquid (post separation)	0.3	0.25	0.03	0.3	Irrigator
Feed pad – solids (post separation)	20	4.5	0.8	2.0	Muck spreader
Stand-off pad solids	25	2.0	1.5	2.0	Muck spreader
Wintering pad scrapings	15	2.0	0.3	0.75	Muck spreader
Wintering shed bunker	20	5.0	2.0	7.5	Muck spreader

**note, actual figures will vary based on the farm system and location.*

» Effluent loss to waterways is a result of runoff or drainage beyond the root zone and is often exacerbated where mole or tile drainage is used. It is caused by over-application, application onto saturated soils, leaks or direct application to waterways.

» Effluent entering waterways reduces water quality through nutrient enrichment and contamination with pathogens.

» Effluent compliance is well developed, and the Environment Court has demonstrated a low level of tolerance for unlawful discharges.

» The best ways to avoid effluent loss to waterways is to have sufficient capacity to store effluent during wet periods, have well-maintained effluent equipment, and apply effluent at a suitable (low) rate during favourable conditions.

Regulatory framework

» Regulations relating to effluent storage and application are applied at the regional level.

» In Auckland, the discharge of untreated or treated farm dairy effluent to land is a "permitted activity" where all the permitted activity standards can be met, otherwise a resource consent is required.

» The discharge of treated dairy effluent to water requires a discretionary consent and the discharge of untreated dairy effluent to water is prohibited.

» Supply companies may also impose conditions of supply relating to effluent management. These have not been covered here.

» Some of the key rules to be aware of, and how to comply with them, are provided below. They are also summarised in the regulation matrix on Table 2. The summaries and matrix should be used as guidance only. Always refer back to the legislation for the complete rules and conditions or talk to your regional council.

Key regulations and supporting information

Regional regulations: Dairy effluent storage and application

» Dairy effluent is defined as "Effluent from dairy cows kept in a confined area" and includes associated process water, washwater and dairy sludge. Dairy sludge is defined as "the accumulated organic solids from dairy oxidation ponds, barrier ditches, storage ponds, wintering barns or hard-stand areas."

» Auckland Council promote best practice for the management of farm dairy effluent (FDE).

» The Auckland Unitary Plan permits (without a consent) the application of dairy effluent to land provided the application meets the permitted activity standards. Some of the key conditions are:

- A system with solely sump storage is no longer permitted.
- There must be no runoff to surface water, intermittent streams or drains and any ponding resulting from the application of effluent must be gone within three hours.
- The total amount of nitrogen applied to grazed pasture from all sources (not including animal urine) is limited. On sandy or volcanic soils no more than 150 kg N/ha/yr and 30 kg N/ha per 31 days can be applied. On all other soils no more than 200 kg N/ha/yr and 50 kg N/ha per 31 days can be applied. Note that the Nitrogen cap rules under the National Environmental Standards for Freshwater limit the amount of synthetic N applied to grazed pasture to 190 kg N/ha/yr.
- New or modified feedpads and standoff pads must be sealed. "New" means from when the plan became operative (i.e., 15 November 2016.) See the *stockholding/feedlots* module for further information.
- The volume of any effluent storage systems constructed after 30 September 2013 must be determined using the Dairy Effluent Storage Calculator.
- Stormwater diversion must be in place for ancillary roof areas and hardstand areas which do not hold animals or animal products.
- A nutrient budget such as Overseer must be used to determine the required irrigation area.

» If all the permitted activity conditions cannot be met, or the effluent discharge is to water, a discretionary consent is required.

» The permitted activity conditions are specific to effluent from dairy cows so any other effluent sources such as piggeries or sheep milking require a discretionary consent to discharge effluent.

Rules relating to farm dairy effluent application for the Auckland region

If this section relates to your farming enterprise, it is important you familiarise yourself with the permitted activity standards for each activity.

Table 2: Regulation matrix providing a summary only of the rules relating to effluent application. Refer to the relevant legislation or plan for complete details.

Effluent application	National	Regional
	Resource Management (National Environmental Standards for Freshwater [NES-F]) Regulations 2020	Auckland Unitary Plan
Discharge of dairy effluent to land		Permitted provided the following standards are met: • No direct discharge or runoff to surface water, intermittent streams or artificial watercourses • No ponding for longer than 3 hours • Sandy and volcanic soils – max 150 kg N/ha/yr applied to grazed pasture from all sources of applied N and 30 kgN/ha per 31 days • All other soils - max 200 kg N/ha/yr applied to grazed pasture from all sources of applied N and 50 kg N/ha per 31 days • For crops other than grazed pasture – no more than the reasonable crop requirements. • New or modified feedpads and standoff pads must be sealed to 1x 10^{-9} m/s with proof of sealing provided to the council for certification • Effluent must be discharged into an effluent storage system e.g pond, tank, bladder • The volume of any storage system constructed or modified after 30 Sept 2013 must be determined by using the Dairy Effluent Storage Calculator • New and modified storage systems (after 30 September 2013) must be sealed to 1x10^{-9} m/s and confirmation of the volume and sealing must be sent to council on completion. • From 30 September 2021 effluent systems must not be solely based on using a sump for storage. • Stormwater diversion must be in place for ancillary roofs and hardstand which doesn't hold animals or animal products. • Effluent from standoff pads must be contained and either enter the effluent system, be discharged directly onto the effluent block or be disposed off lawfully offsite. • A nutrient budget must be used to determine the size of the effluent block (e.g. Overseer). • Do not apply effluent within 100 m of the property boundary in the Rural – Countryside Living Zone, Future Urban Zone and any residential zones, and within 20 m of the property boundary in all other Rural zones. Where all of the above conditions cannot be met a discretionary consent is required. *AUP Table E35.4.1, E35.6.1.1, E35.6.1.2 H19.10.1.(1), H19.10.1.(2).*

Effluent application	National	Regional
	Resource Management (National Environmental Standards for Freshwater [NES-F]) Regulations 2020	Auckland Unitary Plan
Discharge of non dairy effluent, dairy effluent where the permitted activity conditions cannot be met, or the discharge of treated effluent to water.		Discretionary consent required. *AUP Table E35.4.4, (A2, A3, A15)*
The discharge of non treated dairy effluent to water		This is a prohibited activity. *AUP Table E35.4.4, (A4)*

Sources for further information

Regional rules

Auckland Unitary Plan

Chapter E Auckland-wide, Environmental Risk, E35 : Rural production discharge.
Chapter H Zones, H19 Rural Zones, H19.10.1.(1) and H19.10.1.(2).

Other sources

DairyNZ

Information on designing, managing, storage, compliance, pond safety and effluent

Farm Dairy Effluent Design Standards and Code of Practice

A comprehensive guide on the design of effluent systems.

Your trusted rural professional such as your farm advisor.

Auckland Council

Phone: 09 301 0101

Self-check: Effluent application

Actions to meet regional rules

- ☐ Review the permitted activity standards and evaluate whether you can meet all the requirements or need a consent.
- ☐ Review your effluent application records;
  - ☐ Can you prove how much N was applied to an effluent paddock in the last 31 days?
  - ☐ Can you calculate how much N has been applied to a paddock so far this season?
- ☐ Do you have a Dairy Effluent Storage Calculator report for your effluent storage facility?
- ☐ Do you know how much N is in your effluent?

Freshwater

Stockholding areas and feedlots

Learning outcomes

- Understand whether infrastructure on your property constitutes a stockholding area or feedlot.
- Understand the effect stockholding areas can have on the environment.
- Understand the key regulations that govern stockholding areas and feedlots, and which regulations might apply to your farm.
- Know where to find the full details on the relevant legislation, and other supporting information.
- Understand what changes your farm business might need to implement to comply with stockholding regulations.

Key compliance actions

- [ ] Identify and meet the applicable national and regional rules relating to stockholding areas and feedlots.
- [ ] Keep records to demonstrate compliance against the relevant rules.

Background

» Areas where stock are held in high concentration have a greater accumulation of nutrients and soil disturbance and can be a significant source of contaminant loss.

» Structures with a sealed base and effluent captured (managed like farm dairy effluent) have minimal impacts on the local environment. In many cases, these structures have positive environmental impacts, allowing stock to be removed from pasture during wet periods, reducing pugging and pasture damage or allowing better utilisation of supplementary feeds.

» However, unsealed structures or those with unmanaged effluent pose significant risks to the local environment. Animal dung and urine are deposited within very confined areas and, with no organic matter (plant roots or vegetation) to take up nutrients, the risk of contaminant loss to water is high. Nitrogen loss to groundwater may be slowed by using a carbon-rich base material, but if this is not renewed, these systems will eventually leach nitrogen into groundwater as the material becomes saturated

» Facilities where stock can be held include feedpads, wintering barns, herd homes, composting barns, stand-off pads, loafing pads, and feedlots. Depending on the circumstance, some of these facilities can be classified as 'stockholding areas' and are regulated through legislation.

Regulatory framework

» Regulations relating to stockholding areas and feedlots are imposed both at the national and regional level. Where rules or conditions overlap or duplicate between regulation (e.g., between national legislation and regional regulation), the most stringent will apply.

» The farm location determines which regulations apply to your business.

» Some of the key rules to be aware of, and how to comply with them, are provided below. They are also summarised in the regulation matrix on Table 2. The summaries and matrix should be used as guidance only. Always refer back to the legislation for the complete rules and conditions or talk to your regional council.

Key regulations and supporting information

National regulations: Stockholding facilities and feedlots

» In 2020, the National Environmental Standards for Freshwater (NES-F) were released. These regulations set different levels of compliance for stockholding areas and feedlots, predominantly driven by the age of animals, duration on the structure and whether it is sealed and effluent captured.

- 'Stockholding' areas are areas where cattle are held on feed pads, winter feed pads, stand-off pads and loafing pads.
- 'Stockholding' areas do not refer to stockyards, milking sheds, barns, wintering barns, or sacrifice paddocks.
- 'Feedlots' are areas where cattle are kept for at least 80 days in any 6-month period and fed exclusively by hand or machine.

» The regulations apply to new and existing structures.

» Only structures for cattle are captured by these regulations.

» Stockholding areas and feedlots are a permitted activity if 90% of the animals are under four months of age or no more than 120 kg liveweight.

» Stockholding areas (not including feedlots) are also a permitted activity if operated under a certified freshwater farm plan or;

- When stock are over 120 kg, but the base is sealed and effluent captured and applied in line with regional or district rules, and;
- The site is more than 50 m away from any waterbody, water abstraction point, drain or coastal marine area.

» Any other situation will require a consent (e.g., unsealed stockholding areas for cattle >120 kg, any feedlot with cattle >120 kg).

Regional and district regulations: Stockholding facilities and feedlots

» The Auckland Unitary Plan contains rules for intensive farming and animal feedlots.

- Intensive farming is the "Intensive growing of fungi, livestock or poultry within a building or on an animal feedlot where there is limited or no dependence on the soil and feed is brought in."
- Animal feedlots are defined as where "intensive feeding of livestock on food other than pasture grasses" occurs. It includes covered and uncovered feedlots and standoff pads but does not include the temporary wintering of stock on areas such as feedpads and standoff pads.

» The rules in the plan relate to:

- Specific zones where intensive farming is permitted and where it requires a consent.
- The separation distance between a building for housing animals and the site boundary.
- The size of any building used for intensive farming. Note, to be permitted the structure must be less than 200 m^2.

» Auckland Council have considered whether a feedpad under normal use would meet the definition of intensive farming. Council's opinion is that it does not and therefore the conditions relating to intensive farming do not apply. However, a feedpad is considered to be a "building". Therefore, the separation distances between buildings and property boundaries apply. Freestall barns and other animal shelters where the cows are housed the majority of the time are likely to meet the definition of intensive farming and may require a consent.

» There are five rural zones where intensive farming land uses are allowed under a permitted activity or consent. These are shown in Table 1 and Figure 1.

Table 1: Zones in the Auckland region where intensive farming can occur and the activity status for each zone

Zone	Status
Rural – Rural Production Zone	Permitted activity (subject to conditions)
Rural – Mixed Rural Zone	
Rural – Rural Coastal Zone	
Rural – Rural Conservation Zone	Non-complying activity. Consent required.
Rural – Countryside Living Zone	

**Note - these rules do not apply to the Hauraki Gulf Islands*

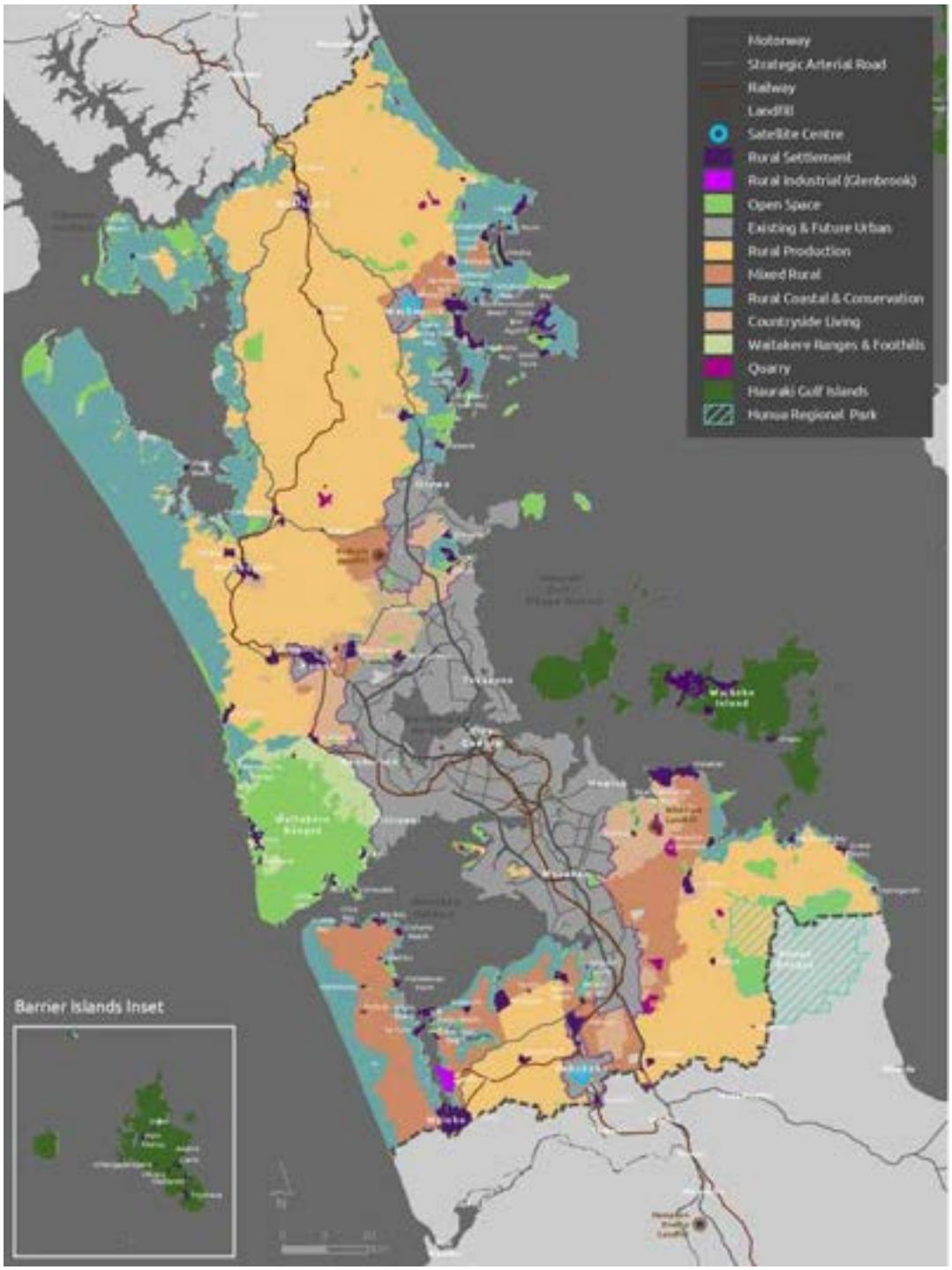


Figure 1: Map identifying the rural zones in the Auckland region

Rules relating to stockholding areas and feedlots for the Auckland region

If this section relates to your farming enterprise, it is important you familiarise yourself with the rules noted beneath each condition.

Table 2: Regulation matrix providing a summary only of the rules relating to stockholding areas and feedlots. Refer to the relevant legislation or plan for complete details.

Stockholding areas	National	Regional
	Resource Management (National Environmental Standards for Freshwater [NES-F]) Regulations 2020	Auckland Unitary Plan
Sacrifice paddocks	Not considered a stockholding area.	
Wintering barns/ composting barns	Not considered a stockholding area.	Where these areas meet the definition of "intensive farming" they are permitted in the Rural Coastal Zone, Mixed Rural Zone and the Rural Production Zone subject to the following conditions: - buildings (or structures) used for intensive farming are no greater than 200 m^2, and - the buildings (or structures) used for intensive farming must be 250 m from a dwelling on a neighbouring property and 100 m from the site boundary. Buildings used to house animals that are not considered to be "intensive farming" must be located 12 m from the property boundary. All other situations require a resource consent *AUP H19.8.1, H19.10.1, H19.10.4 and H19.10.5*
Feedlot (cattle <120 kg or <4 months old)	Permitted activity. *see NES-F, clause 9*	
Feedlot (cattle >120 kg or >4 months old)	Discretionary consent for all cattle if the feedlot is sealed, effluent managed, and >50 m from a waterway, otherwise non-complying. *see NES-F, clause 10, 11*	
Stockholding area including feedpad (cattle <120 kg or <4 months old)	Permitted activity for all cattle if >50 m from waterway and effluent managed. *see NES-F, clause 12*	
Stockholding area including feedpad (cattle>120 kg or >4 months old)	Permitted if the base is sealed, effluent managed, and is located >50 m from a waterway, otherwise certified FWFP or discretionary consent. *see NES-F, clause 13,14*	
Dairy/milking sheds/stock yards	Not considered a stockholding area.	

Sources for further information

National legislation

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

Clauses 10-11: Activity status for feedlots
Clauses 12-14: Activity status for stockholding facilities.

Regional rules

Auckland Unitary Plan

Chapter H.19 Rural zones

Other sources

Ministry for the Environment (MfE) – stockholding definition guidance

Information from MfE on all aspects of stockholding including examples and a flow chart to determine compliance.

Your trusted rural professional such as your farm advisor.

Auckland Council

Phone: 09 301 0101

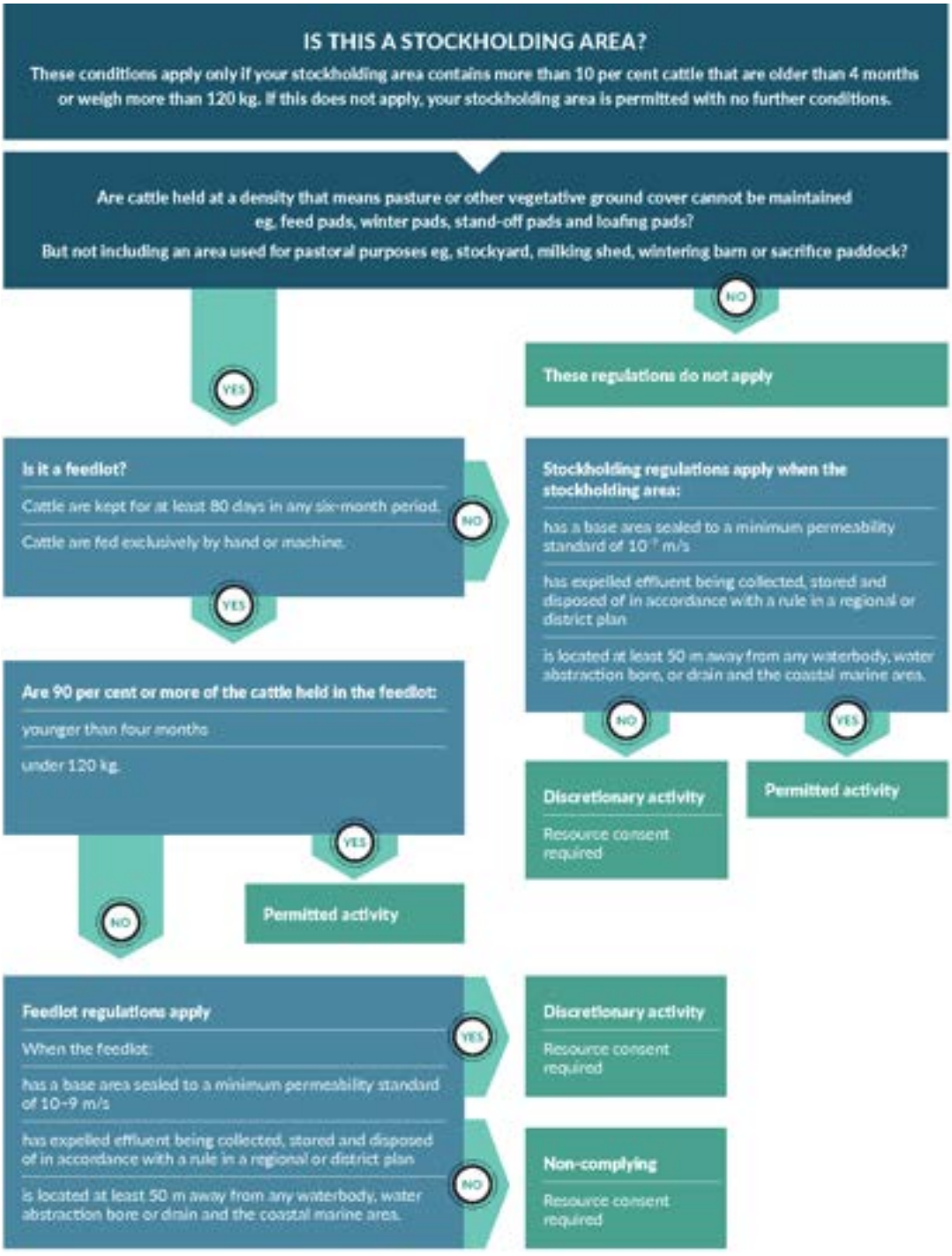


Figure 1: Stockholding area and feedlot compliance requirements under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020. Flowchart available from MfE stockholding and feedlots factsheet.

Self-check: Stockholding areas and feedlots

Actions to meet stockholding legislation

- ☐ Review the national and unitary plan rules and identify which ones are applicable to your farming business *(refer to the regulation matrix for guidance).*

Actions to meet national legislation as a permitted activity

- ☐ The stockholding area is located at least 50 m from any water body.
- ☐ The base of the stockholding area is fully sealed (plastic or concrete).

Actions to meet regional permitted activity status for intensive farming

- ☐ Check your zone and identify whether intensive farming on your property is permitted or requires a consent.
- ☐ Check the distance between any intensive farming activities and neighbouring houses and your property boundary.
- ☐ Where a consent appears to be required seek advice.
- ☐ Check the distance between any structures holding stock and the property boundary.

Freshwater

Stock exclusion from waterways

Learning outcomes

- Have an understanding of why and when stock need to be excluded from waterways.
- Understand the positive impact stock exclusion from waterways can have on the environment.
- Understand the key regulations that govern stock access to waterways and which regulations might apply to your farm.
- Know where to find the full details on the relevant legislation and other supporting information.
- Understand what gaps your farm business might have regarding regulations for stock exclusion from waterways.

Key compliance actions

- [ ] Identify and meet the applicable national and regional rules relating to stock exclusion from waterways
- [ ] Keep records to demonstrate compliance with the relevant rules.

Background

» Restricting stock access to waterways is one of the easiest ways to reduce contaminants entering the environment. However, this can be challenging on some terrain, such as hill country with steep gullies containing waterways.

» Restricting access has many benefits:

- Reducing the deposition of dung and urine directly into the waterway;
- Reducing runoff of dung, urine and sediment from riparian margins;
- Less damage to stream banks and riparian vegetation improving contaminant filtering and reducing bank erosion;
- Improving wetland filtering. Wetlands and boggy areas that become channelised are less effective at filtering contaminants.

» Contaminants entering waterways have many adverse effects, including:

- Nitrogen and phosphorus feed nuisance plant and algal growth, which can choke waterways, produce toxic blooms and reduce aesthetic values.
- Sediment reduces water clarity, impacts aesthetic values and smothers stream habitat.
- Pathogens (bacteria, viruses, worms, fungi etc.) cause infections and disease, impacting drinking water quality, recreation and mahinga kai.

» Understanding the difference between a 'drain' and a 'wide river' is very important. See the Works In and Around Waterways module.

Regulatory framework

» Regulations relating to stock exclusion from waterways are applied at the national and regional level. The rule that applies will always be the most restrictive.

» Understanding the definitions of the waterbodies that require stock exclusion (e.g., "wide river", "artificial watercourse", "natural wetland") is important when interpreting the national and regional rules.

» Some of the key rules to be aware of, and how to comply with them, are provided below. They are also summarised in the regulation matrix on Table 4. The summaries and matrix should be used as guidance only. Always refer back to the legislation for the complete rules and conditions or talk to your regional council.

Key regulations and supporting information

National regulations: Stock exclusion from waterways

» In September 2020, the Resource Management (Stock Exclusion) Regulations came into force. These regulations focus on excluding stock from lakes, wetlands and wide rivers. Key definitions to understand are provided in Table 1.

» A three-metre stock exclusion setback applies to lakes and wide rivers (not drains). It is not required to be permanent fencing (it can be temporary fencing or natural barriers). Existing fences (in place as of September 2020) do not need to comply with the three-metre setback, but new fences do.

» Note, the stock exclusion setback is from the bed of the waterbody. See diagram over the page for an explanation of how the bed is identified.

» In addition, culverts or bridges are required at stream or river crossings unless the cattle are actively driven across, and there are no more than two crossings a month.

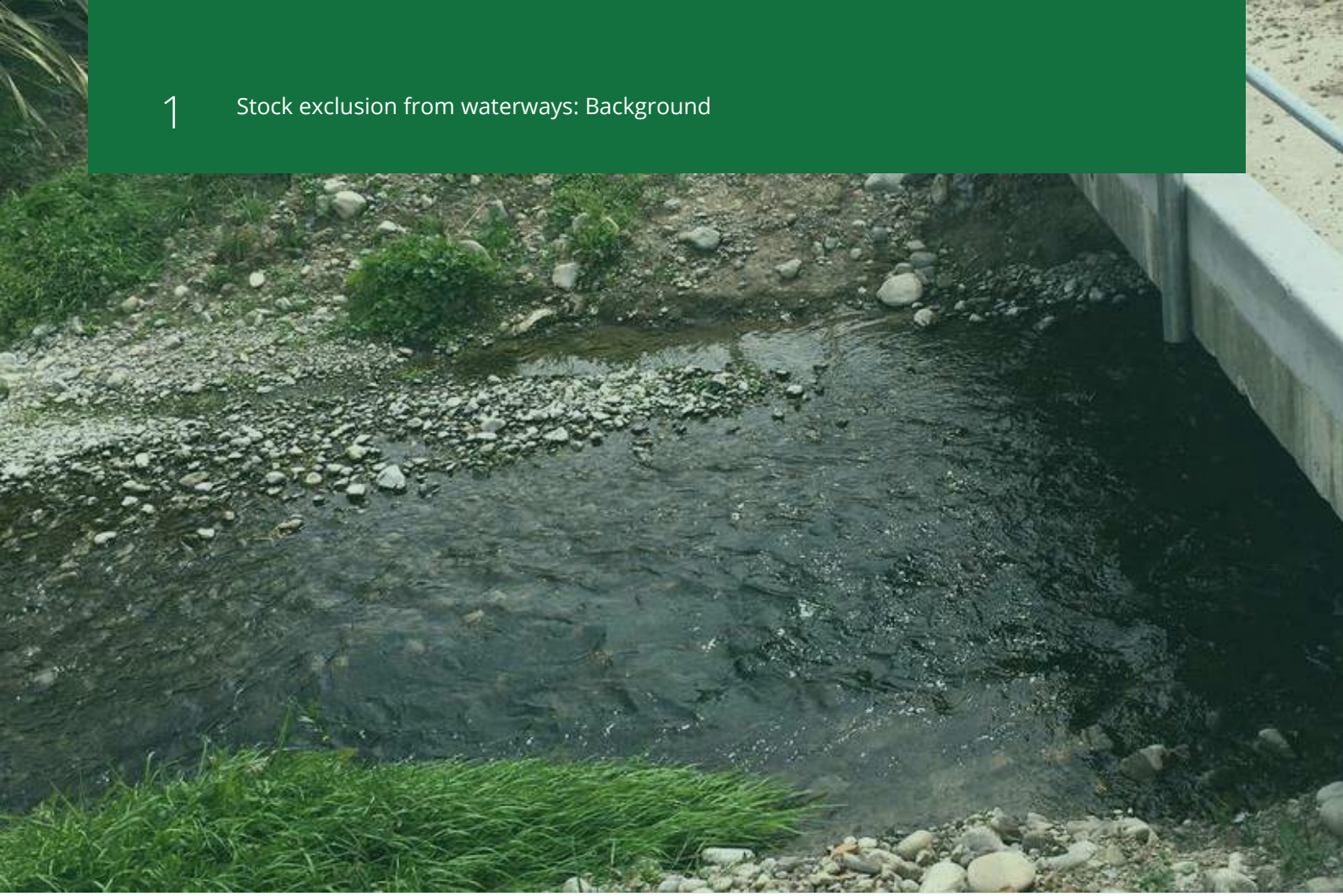
» Stock must be excluded from any natural wetland identified in a regional or district plan or policy statement, or any natural wetland that supports a population of threatened species. There are several wetland definitions (Table 1) to work through to identify whether an area is classified as a natural wetland or not and, therefore, whether the stock exclusion rules apply.

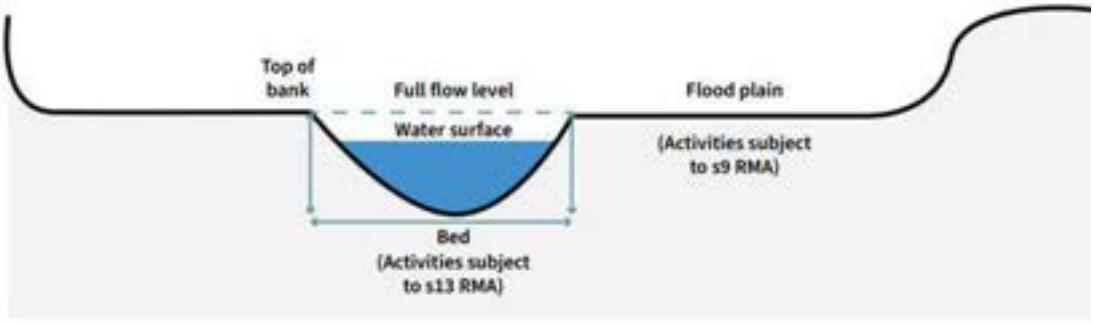
» Dates for when stock must be excluded from accessing lakes, wetlands and wide rivers are provided in Table 2.

» Note, stock includes beef cattle, dairy cattle, dairy support cattle, deer and pigs. It excludes sheep and feral animals.

Table 1: Definitions for key terms used in the Stock Exclusion regulations.

Term	Definition
Wide river	Intermittently or permanently flowing waterways with a bed wider than one metre anywhere in the land parcel.
Bed of a river	The land covered by the river's waters at its fullest flow without overtopping its banks (i.e., not just the area covered by normal or low flows).
Lake	A body of freshwater which is entirely or nearly surrounded by land.
Stock	Includes beef cattle, dairy cattle, dairy support cattle, deer and pigs. It does not include sheep or feral animals.
Intensive grazing	Includes break feeding, grazing on annual forage crops, or grazing pasture irrigated in the last 12 months.
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 inland wetland	A natural inland wetland is a wetland but excludes; • geothermal wetlands, constructed wetlands (excluding offset and restored wetlands), wetlands which have developed in or around constructed waterbodies and wetlands in the coastal marine area; and • pastoral areas used for grazing where exotic pasture species make up more than 50% of the vegetation cover and do not contain threatened species habitat.
Natural wetland	Is the same as a natural inland wetland, but includes wetlands in the coastal marine area.
Permanent fence	In relation to fences in place as of September 2020 that are exempt from complying with the 3 metre setback, these must be a post and batten fence with posts, or a fence with at least two electrified wires and posts, or a deer fence.





For situations where the top of one side of the bank is higher than the other, the top of the bank is the lower of these, as shown on the right.

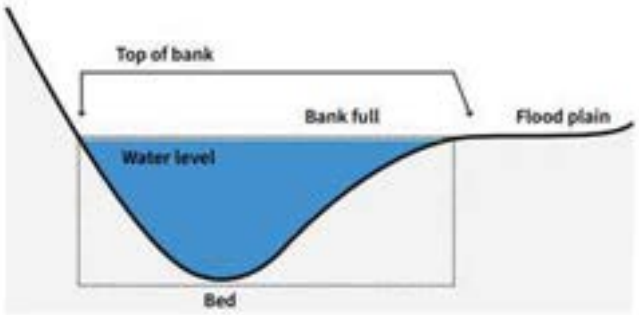


Figure 1: Diagram depicting the bed of a waterbody.

Table 2: Date stock must be excluded from accessing lakes, natural wetlands and wide rivers under the Resource Management (Stock Exclusion) Regulations 2020.

Farm type	Date stock must be excluded
Dairy cattle and pigs	1 July 2023
Dairy support cattle	1 July 2025
Beef cattle and deer (intensively grazed)	1 July 2023
Beef cattle and deer (not intensively grazed)	Exclusion not required
Stock in natural wetlands identified in a regional or district plan	1 July 2023
Stock in natural wetlands supporting a threatened species	1 July 2025

Regional regulations: Stock exclusion

- The Auckland Unitary Plan has objectives to enhance, protect and, where necessary, restore the region's lakes, rivers and wetlands.
- The intent of the regional rules on stock access to lakes, rivers, streams and wetlands is to require livestock exclusion where the stocking rate is 18 stock units (SU)/ha or more. At stocking rates less than this livestock access to waterbodies is permitted.
- Livestock exclusion must be effective and exclusion methods may include a permanent fence or temporary hot-wire, dense vegetation and natural barriers that prevent livestock from gaining access to the waterway.
- The rules aim to address stock exclusion in two stages. By 16 November 2021, the intent was to require livestock exclusion from all lakes, wetlands, permanent rivers and streams (where the stocking rate was 18 SU/ha or higher). By 16 November 2026, intermittent streams also required stock exclusion.
- The calculation of stock units (SU) is based on the area where stock have access to the water body (i.e., the paddock). If a 3 ha paddock was being grazed by 10 MA beef cows (at 6 SU per cow) it would contain 60 SU or 20 SU/ha – therefore, stock would need to be excluded from the waterbody.
- The definition of stock units is as defined in the Farm Technical Manual found on the Lincoln University website.

Farm Technical Manual

- Livestock have permitted access to all ephemeral streams.
- A key difference between the stock exclusion requirements in the Auckland Unitary Plan and the Resource Management (Stock Exclusion Regulations) 2020 is how stock are defined (Table 3). The definition of stock in the national regulations is limited to beef, dairy, dairy support, deer and pigs. The Auckland Unitary Plan defines livestock as beef, dairy, deer, pigs, as well as poultry, horses, goats and sheep.

Table 3: Definitions for key terms used in the Auckland Unitary Plan.

Term	Definition
River or stream	A continually or intermittently flowing body of fresh water, excluding ephemeral streams, and includes a stream or 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 except where it is a modified element of a natural drainage system).
Intermittent stream	Stream reaches that cease to flow for periods of the year because the bed is periodically above the water table. This category is defined by those stream reaches that do not meet the definition of permanent river or stream and meet at least three of the following criteria: • it has natural pools; • it has a well-defined channel, such that the bed and banks can be distinguished; • it contains surface water more than 48 hours after a rain event which results in stream flow; • rooted terrestrial vegetation is not established across the entire cross-sectional width of the channel; • organic debris resulting from flood can be seen on the floodplain; or • there is evidence of substrate sorting process, including scour and deposition.
Ephemeral stream	Stream reaches with a bed above the water table at all times, with water only flowing during and shortly after rain events. This category is defined as those stream reaches that do not meet the definition of permanent river or stream or intermittent stream.
Livestock	Animals raised for food or other products, or kept for use, especially farm animals. Includes: • meat and dairy cattle; • pigs; • poultry; • deer; • horses; • goats; and • sheep.

Rules relating to stock exclusion from waterways for the Auckland region

If this section relates to your farming enterprise, it is important you familiarise yourself with the rules noted beneath each condition.

Table 4: Regulation matrix providing a summary only of the rules relating to stock exclusion. Refer to the relevant legislation or plan for complete details.

Stock exclusion	National	Regional
	Resource Management (Stock Exclusion) Regulations 2020	Auckland Unitary Plan
Dairy cattle access to lakes, rivers, streams and intermittent streams	Excluded from 1 July 2023 3 m setback for lakes and wide rivers, pre-existing permanent fences excepted. *see Stock Exclusion, Clause 9*	Below a stocking rate of 18 SU/ha, livestock access to lakes, rivers, streams and wetlands is permitted. Otherwise, stock must be excluded. *AUP E 3.4.1 (A51), E.3.6.1.25*
Dairy support cattle access to lakes, rivers, streams and intermittent streams	Excluded from 1 July 2025 3 m setback for lakes and wide rivers, pre-existing permanent fences excepted. *see Stock Exclusion, Clause 11*	
Dairy and dairy support cattle crossing lakes and rivers	Must use a bridge or culvert unless no more than 2 crossings a month. *see Stock Exclusion, Clause 9 & 11*	
Intensive beef cattle and deer (on crops or being breakfed or on irrigated land) access to lakes, rivers, streams and intermittent streams	Excluded from 1 July 2023 3 m setback for lakes and wide rivers, pre-existing permanent fences excepted. *see Stock Exclusion, Clause 12*	
Intensive beef cattle (on crops or being breakfed or on irrigated land) crossing lakes and rivers.	Must use a bridge or culvert unless no more than 2 crossings a month. *see Stock Exclusion, Clause 12*	
Beef cattle on low slope land crossing lakes and rivers	*Must use a bridge or culvert unless no more than 2 crossings a month.* *see Stock Exclusion, Clause 14*	
Sheep, goat and horse access to lakes, rivers, streams and wetlands		
Natural wetlands identified in the Unitary Plan at 3 September 2020.	All stock must be excluded from natural wetlands (doesn't include sheep or horse). *see Stock Exclusion, Clause 16*	
Natural wetlands supporting a threatened species	All stock must be excluded (doesn't include sheep). *see Stock Exclusion, Clause 17*	
Wetlands		Below a stocking rate of 18 SU/ha, livestock access to lakes, rivers, streams and wetlands is permitted. Otherwise, stock must be excluded. *AUP E 3.4.1 (A51), E.3.6.1.25*
Setback distance	Lakes/rivers - 3 m from top of bank/ maximum level. Drains - no requirement to be fenced. Wetlands – required to be fenced, but no specific setback required. Pre-existing permanent fences excepted. *see Stock Exclusion, Clause 9*	

Sources for further information

National legislation

Resource Management (Stock Exclusion) Regulations 2020

Clauses 8-16: Exclusion of stock from a lake or wide river

Regional rules

Auckland Unitary Plan

Chapter E Auckland-wide, Natural resources, E3 Lakes, rivers, streams and wetlands.

Table E3.4.1 and standard E3.6.1.25

Other sources

Ministry for the Environment (MfE) – Low slope land map

Interactive map showing all low slope areas (note, land over 500m above sea level is not included in these regulations).

Auckland Council

Phone: 09 301 0101

Your trusted rural professional such as your farm advisor.

DairyNZ

Information on fencing waterways

Lincoln University - Farm Technical Manual

Definition and table of stock units used in the Auckland Unitary Plan.

Self-check: Stock exclusion from waterways

Actions to meet national regulations

- ☐ Meet the national stock exclusion regulations by:
  - ☐ Mapping streams and wetlands that require stock exclusion.
  - ☐ Mapping stream crossings that are used more than twice per month and require bridges or culverts.
  - ☐ Developing, recording and implementing a plan to manage stock access in the short, medium and long term.

Freshwater

Works in and around waterways

Learning outcomes

- Understand why works in and around waterways are regulated.
- Understand the definitions for water body, river, modified watercourse, drain, wetland and structure.
- Understand when a consent might be required for works in a waterway.
- Know where to find the full details on the relevant legislation and other supporting information.
- Understand whether your farm business complies with the most recent legislation regarding works in waterways.

Key compliance actions

- [ ] Confirm the status of all waterways on your properties.
- [ ] Ensure fish passage is enabled with any structures in watercourses (natural or modified).
- [ ] Check information required to be collected and supplied to the council within 20 days of completion of work for any instream project.

Background

» On-farm works affecting waterways include activities such as:
  - Installing and maintaining crossings (e.g., bridges, culverts and fords).
  - Clearing riparian vegetation.
  - Earthworks (e.g., track building and maintenance).
  - Drain construction and maintenance.

» Works in and around waterways can have a significant impact on water quality as well as stream ecology, habitats and freshwater life.

» New Zealand has 51 indigenous freshwater fish species with many of these classified as threatened or at risk. There are also 600 plus macroinvertebrate species (insects, snails and worms) living in and around waterways with many of these also threatened, at risk of extinction or critically endangered. These species play a key role in keeping our waterways clean.

» A few examples of how activities in and around waterways can affect freshwater life are provided below:
  - Instream structures such as culverts, weirs and dams can impede fish passage by creating unpassable barriers and altering the flow conditions (flow can be too fast and smooth for fish to swim up). This can result in a reduction in the distribution and abundance of some of our most valued freshwater and macroinvertebrate species.
  - Woody debris and log jams provide natural and stable structures for freshwater life but are often removed from waterways during routine maintenance (e.g., to reinstate carrying capacity for flood flows).
  - Riparian vegetation shades waterways (maintaining the natural water temperature), reduces light (minimising algal growth), protects the banks from erosion, filters nutrients and provides spawning habitat for many whitebait species.

Regulatory framework

» Regulations relating to works in and around waterways are currently applied at the national, regional and district level. Where rules or conditions overlap or duplicate between regulations (e.g., between national legislation and regional regulation), the most stringent will apply.

» The farm location determines which regulations apply to your business.

» Some of the key rules to be aware of, and how to comply with them, are provided below. They are also summarised in the regulation matrix on Table 2. The summaries and matrix should be used as guidance only. Always refer back to the legislation for the complete rules and conditions or talk to your regional council.

Key regulations and supporting information

National regulations:

- Under the Conservation Act 1987 it is an offence to disturb or damage the spawning grounds of any freshwater fish.
- Furthermore, recently released National Environmental Standards for Freshwater (NES-F) 2020 provide regulation relating to the passage of fish affected by structures. This impacts how infrastructure, such as culverts, are placed in waterways. These regulations apply to structures that were installed after 2 September 2020.
- Under these regulations, existing culverts, weirs, dams and fords (in place before 2 September 2020) that were legally installed have permitted activity status.
- New structures (installed after 2 September 2020) are only permitted if they are constructed to standards defined in the NES-F and information detailing the structure is provided to the regional council within 20 working days of completion.
- Activities around natural inland wetlands are severely restricted under the NES-F, and any works on drains which may reduce the water level in a current or potential wetland are prohibited.
- In situations where activities around natural inland wetlands can occur, the following information is required to be supplied to council at least 10 days prior to undertaking any works (note, cultivation for arable or horticultural crops is excluded from this requirement provided the area had previously been cultivated between 2010 and 2020):
  - a description of the activity,
  - a description and map showing the location of the activity,
  - expected start and end dates,
  - a description of the extent of the activity,
  - contact details for the responsible person.
- There are, however, several wetland definitions to work through in order to identify whether an area is classified as a natural wetland or not. These definitions are provided below.
  - "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 inland wetland" is a wetland within a pastoral area that has less than 50% exotic pasture species or it is a habitat for threatened species. It excludes geothermal wetlands, artificial wetlands and wetlands within the coastal marine area.
  - "Natural wetland" is the same as a natural inland wetland but includes wetlands in the coastal marine area.

Regional regulations: works in and around waterways (including land drainage)

- The Auckland Unitary Plan includes a comprehensive set of rules governing works in waterways. Many of the works undertaken on a farm are permitted provided the extensive list of conditions are complied with.

» There is often a higher level of control within the "overlays". These are areas where the natural values of lakes, rivers, streams and wetlands are higher than elsewhere. An example could be a stream corridor with a riparian margin of vegetation that provides native fish spawning areas. Works within these areas generally have a higher regulatory requirement than other areas, however, they wouldn't normally be within the effective area of a farm. There may be situations where these areas need to be traversed to access a part of the farm. In this case, extra care to understand and follow the regulations is required.

» The relevant overlays are:

- D4 Natural Stream Management Areas Overlay;
- D5 Natural Lake Management Areas Overlay;
- D7 Water Supply Management Areas Overlay;
- D8 Wetland Management Areas Overlay; and
- D9 Significant Ecological Areas Overlay.

» Maps of the overlay areas can be found here: https://unitaryplanmaps.aucklandcouncil.govt.nz/upviewer/

» Table 1 shows the main permitted activity conditions that must be met for all works in, over or under the beds of waterbodies. Each activity then has additional, activity-specific conditions that must also be met before the works can be considered a permitted activity. See the regulation matrix (Table 3) for further conditions.

Table 1: Summary of the most relevant general permitted activity conditions that must be met when undertaking any activities in, on, under, or over the beds of lakes, rivers, streams, intermittent streams and wetlands. Additional conditions apply - check E3.6.1.1 of the Auckland Unitary Plan.

General permitted activity conditions (summary only)	
1	The activity must not, after reasonable mixing, result in any of the following: a) conspicuous oil or grease films, scums or foams, or floatable or suspended materials; b) a conspicuous change in colour or visual clarity; c) objectionable odours; d) making the water unsuitable for stock water; and e) any significant adverse effects on aquatic life.
2	The activity must not increase the risk of flooding.
3	The activity must not result in more than minor erosion or land instability.
4	No machinery in the wet part of the bed.
5	No explosives.
6	No refuelling or mixing of construction materials (e.g., concrete) within 10 m of the bed.
7	The activity must not destroy, damage or modify any sites identified in the Historic Heritage Overlay or the Sites and Places of Significance to Mana Whenua Overlay.
8	The activity must not prevent public access along the lake, river, stream or wetland.

- The plan requirements around structures can vary depending on when the structure was built. Structures built before 30 September 2013 (when the current plan was released in its draft form and submissions were sought from the public) have a different set of requirements than any works on structures after this date.
- To further complicate the regulatory landscape, the national regulations were introduced on 2 September 2020. This means that there are now also national regulations that may apply to the use of a structure, its repair or the construction of a new structure.
- Therefore when considering any works in or around waterways (or even your use of a structure):

1. Check that your planned activity complies with the national regulations,
2. Check whether your structure is within an "overlay" area (see Auckland Geomaps),
3. Consider the age of the structure to determine which of the regional rules are applicable.
4. While many works around waterways will involve a structure, works can also be of a more generalised nature and incorporate multiple activities within the unitary plan.
5. For example, the removal of vegetation from the bed of a stream involves the removal of the vegetation and the disturbance of the bed. Both of these activities have potential impacts on the environment and have specific rules controlling how they can be undertaken. When planning works it is important to research the rules thoroughly before making a start. If you are unsure its best to check with the council.

The rules relating to works in and around waterways are extensive and highly complex. Whenever considering undertaking work you should refer directly to the rules or seek advice from the regional council. This includes any earthworks, land disturbance, vegetation clearance or drainage activities on-farm.

Table 2: Key water body terms to understand within the within the Auckland Unitary Plan and national legislation.

Term	Description
Water body*	A fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.
River or stream	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).
Modified watercourse**	An artificial or modified channel that may or may not be on the original watercourse alignment and which has a natural channel at its headwaters (many drains are actually modified watercourses!).
Intermittent stream	Stream reaches that cease to flow for periods of the year because the bed is periodically above the water table, and it is not a permanent river or stream, and it meets at least three of the following: • it has natural pools; • it has a well-defined channel, such that the bed and banks can be distinguished; • it contains surface water more than 48 hours after a rain event which results in stream flow; • rooted terrestrial vegetation is not established across the entire cross-sectional width of the channel; • organic debris resulting from flood can be seen on the floodplain; • or there is evidence of substrate sorting process, including scour and deposition.
Ephemeral stream	Stream reaches with a bed above the water table at all times, with water only flowing during and shortly after rain events. This category is defined as those stream reaches that do not meet the definition of permanent river or stream or intermittent stream.
Structure*	Any building, equipment, device, or other facility made by people and which is fixed to land; and includes any raft.
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 Inland Wetlands*	The same as a “wetland” but excludes geothermal wetlands, artificial wetlands, and wetlands in the coastal marine area. Where the wetland occurs within a pastoral area used for grazing, to be a natural inland wetland it must have less than 50% exotic pasture species or be a habitat location of threatened species (as identified in Clause 3.8 of the National Policy Statement).
Bed (river)*	The land which the waters of the river cover at its fullest flow without overtopping its banks (see Figure 1).
Bed (lake)*	The land which the waters of the lake cover at its highest level without exceeding its margin.

**No definition in the regional plan, RMA definition used.*
***Not defined in the Auckland Unitary Plan or the RMA. Waikato Regional Plan definition used.*

Rules relating to works in and around waterways for the Auckland region

Table 3: Regulation matrix providing a summary only of the rules relating to works in and around waterways. Refer to the relevant legislation or plan for complete details.

Works in and around waterways		National
		Resource Management (National Environmental Standards for Freshwater [NES-F]) Regulations 2020; Resource Management Act 1991
Separation distance between buildings and waterways		
All works on structures		
Structures in place on or before 30 September 2013	The use maintenance and repair of existing structures	Their use, alteration or extension is a permitted activity. *NES-F clause 60*
	The replacement, upgrade or extension of structures	
	Demolition and removal of structures	

If this section relates to your farming enterprise, it is important you familiarise yourself with the rules noted beneath each condition.

Regional	Sub-regional
Auckland Unitary Plan	Auckland Unitary Plan - Overlay areas only
Buildings and accessory buildings must be placed: - at least 20 m from the edge of a permanent or intermittent stream. - at least 30 m from the edge of a lake. - 50 m from the high tide line on the mainland (although this varies by location. See Appendix 6 of the Auckland Unitary Plan for further information). - 40 m from the high tide line on the Hauraki Gulf islands. *AUP H19.10.3, ACDP:Hauraki Gulf Islands District Plan 10c.5.6*	
Any works on a structure in a waterbody must meet the following for the activity to be permitted: - the general permitted activity conditions (Table 1). - during works, bed disturbance must not extend more than 10m upstream or downstream of the structure. - best practice erosion and sediment control measures are used. - the activity must not cause more than minor bed erosion. - the structural integrity of the structure is not compromised. **Additional conditions apply. Review the rules.** *AUP E3.4.1 (A21), E3.6.1.1, E3.6.1.10*	
Permitted providing: - the general permitted activity conditions are met (Table 1). - the conditions for "all works on structures" are met. - fish passage must not be impeded permanently and culverts cannot have a perched entry or exit. - the structure must be maintained in a structurally sound condition at all times. - construction materials and ancillary structures must be removed following completion. - the area occupied by the structure must not change. *AUP E3.4.1 (A21), E3.6.1.1, E3.6.1.10, E3.6.1.11*	
The replacement, upgrading or extension of a structure is permitted providing: - the general permitted activity conditions are met. - the conditions for "all works on structures" are met (Table 1). - the conditions for the "use, maintenance, repair or upgrading" are met (except the requirement to not increase the area of the structure). - an extended structure must not exceed 30m (parallel to water flow). - the erosion protection works must not exceed 5m either side on the structure (upstream/downstream). - unless permitted by another rule the works must not increase the height or storage volume of a dam. - for a weir or dam, any sediment accumulated behind the structure that is practically removable, must be removed. Best practice measures must be used to minimise the discharge of any accumulated sediment. - fish passage must not be impeded permanently. - construction materials and ancillary structures must be removed following completion. **Additional conditions apply. Review the rules.** *AUP E3.4.1, E3.6.1.1, E3.6.1.10, E3.6.1.12*	Restricted Discretionary consent required. *AUP 3.4.1 (A23)*
The demolition or removal of an existing structure is permitted providing: - the general permitted activity conditions are met. - the conditions for "all works on structures" are met (Table 1). - the structure is removed to the greatest practicable extent. - any structure remaining must not be a hazard. - the bed must be restored to a state that doesn't inhibit waterflow or fish passage. - for a weir or dam, any sediment accumulated behind the structure that is practically removable, must be removed. Best practice measures must be used to minimise the discharge of any accumulated sediment. Note: the partial removal of a structure requires a restricted discretionary consent. **Additional conditions apply. Review the rules.** *AUP E3.4.1, E3.6.1.1, E3.6.1.10, E3.6.1.13*	

Table 2 cont.: Regulation matrix providing a summary only of the rules relating to works in and around waterways. Refer to the relevant legislation or plan for complete details.

Works in and around waterways		National
		Resource Management (National Environmental Standards for Freshwater [NES-F]) Regulations 2020; Resource Management Act 1991
Structures in place after 30 September 2013 but before 2 September 2020	**The construction of structures**	Their use, alteration or extension is a permitted activity. *NES-F clause 60*

Regional	Sub-regional
Auckland Unitary Plan	Auckland Unitary Plan - Overlay areas only
The construction of any new structures (after Sep 2013) is permitted providing: - the general permitted activity provisions are met (Table 1). - during works, bed disturbance must not extend more than 10m upstream or downstream of the structure. - the activity must not cause more than minor bed erosion. - an extended or new structure must not exceed 30m (parallel to water flow). - the stream is not progressively encased by adding 30m structures in series. - for a replacement, extension or upgraded structure, the erosion protection works must not exceed 5m either side (upstream/downstream). - the structure or an overland flow path must accommodate the 1 per cent annual exceedance probability flood without causing flooding upstream or downstream on someone elses land (see Auckland Council Flood Viewer). **- plus, meet additional conditions for the specific structures noted below.** *E3.6.1.14*	
<u>For bridges and pipe bridges:</u> - piles must not be located in the bed. <u>For culverts:</u> - must be constructed from inert materials with a 50 year design life (e.g., concrete). - culverts must allow fish passage. - culverts over 30m in length require a consent. <u>For a weir:</u> - it cannot flood a wetland. - the flow above and below the weir must be unchanged (i.e., it can't progressively flood land). <u>For erosion control structures:</u> - must be less than 30m in length. <u>For temporary structures:</u> - Can only be in place for two weeks. - Temporary bridge piles can be placed on the bed. - The structure must be as small as possible. **Additional conditions apply. Review the rules.** Note: if you are planning to only partially remove a structure, a restricted discretionary consent is required. **Where the permitted conditions cannot be met a discretionary consent is required.** *AUP E3.4.1, E3.6.1.1, E3.6.1.14, E7.6.15, E3.6.1.16, E3.6.1.18, E3.6.1.19, E.3.6.1.23*	<u>For bridges and pipe bridges:</u> - discretionary consent required. <u>For culverts:</u> - discretionary consent required. <u>For a weir:</u> - it cannot flood a wetland. - the flow above and below the weir must be unchanged (i.e., it can't progressively flood land). <u>For erosion control structures:</u> - discretionary consent required. <u>For temporary structures:</u> - discretionary consent required. <u>For stock fences:</u> - restricted discretionary consent required. <u>For surface water intake structures:</u> - discretionary consent required *AUP E3.4.1, E3.6.1.1, E3.6.1.14, E7.6.15, E3.6.1.16, E3.6.1.18, E3.6.1.19, E.3.6.1.23*

Table 2 cont.: Regulation matrix providing a summary only of the rules relating to works in and around waterways. Refer to the relevant legislation or plan for complete details.

Works in and around waterways		National
		Resource Management (National Environmental Standards for Freshwater [NES-F]) Regulations 2020; Resource Management Act 1991
Structures installed after 2 September 2020	The construction, use, alteration, extension or reconstruction of a structure.	Permitted provided: Any work on these existing in-stream structures requires information to be provided to Regional Council within 20 working days of completion; and For passive flapgates: - Installation or reconstruction of a passive flap gate is a non-complying activity. For culverts: - must allow for fish passage and comply with placement, water flow and width calculations relating to the bed of the river, otherwise it is a discretionary activity. For a weir: - must allow for fish passage and comply with height, slope, material and profile condition otherwise it is a discretionary activity. **Additional conditions apply. Review the rules.** Where the permitted activity conditions cannot be met a discretionary consent is required. *NES-F clause 69-74 and 62-68*
Ephemeral rivers and streams		

Regional	Sub-regional
Auckland Unitary Plan	Auckland Unitary Plan - Overlay areas only
The construction of <u>any</u> new structures (after Sep 2013) is permitted providing: - the general permitted activity provisions are met (Table 1). - during works, bed disturbance must not extend more than 10m upstream or downstream of the structure. - the activity must not cause more than minor bed erosion. - an extended or new structure must not exceed 30m (parallel to water flow). - the stream is not progressively encased by adding 30m structures in series. - for a replacement, extension or upgraded structure, the erosion protection works must not exceed 5m either side (upstream/downstream). - the structure or an overland flow path must accommodate the 1 per cent annual exceedance probability flood without causing flooding upstream or downstream on someone elses land (see Auckland Council Flood Viewer). **- plus, meet additional conditions for the specific structures noted below.** *E3.6.1.14*	
<u>For culverts:</u> - must be constructed from inert materials with a 50 year design life (e.g., concrete). - culverts must allow fish passage. - culverts over 30m in length require a consent. <u>For a weir:</u> - it cannot flood a wetland. - the flow above and below the weir must be unchanged (i.e., it can't progressively flood land). <u>For bridges and pipe bridges:</u> - piles must not be located in the bed. <u>For erosion control structures:</u> - must be less than 30m in length. <u>For temporary structures:</u> - Can only be in place for two weeks. - Temporary bridge piles can be placed on the bed. - The structure must be as small as possible. **Additional conditions apply. Review the rules.** Note: if you are planning to only partially remove a structure, a restricted discretionary consent is required. Where the permitted conditions cannot be met a discretionary consent is required. *AUP E3.4.1, E3.6.1.1, E3.6.1.14, E7.6.15, E3.6.1.16, E3.6.1.18, E3.6.1.19, E.3.6.1.23*	<u>For culverts:</u> - discretionary consent required. <u>For a weir:</u> - it cannot flood a wetland. - the flow above and below the weir must be unchanged (i.e., it can't progressively flood land). <u>For bridges and pipe bridges:</u> - discretionary consent required. <u>For erosion control structures:</u> - discretionary consent required. <u>For temporary structures:</u> - discretionary consent required. <u>For stock fences:</u> - restricted discretionary consent required. <u>For surface water intake structures:</u> - discretionary consent required *AUP E3.4.1, E3.6.1.1, E3.6.1.14, E7.6.15, E3.6.1.16, E3.6.1.18, E3.6.1.19, E.3.6.1.23*
Any activity in on or over an ephemeral stream is permitted providing: - the general permitted activity conditions are met (Table 1). *AUP E3.4.1(A53) E3.6.1.1*	

Table 2 cont.: Regulation matrix providing a summary only of the rules relating to works in and around waterways. Refer to the relevant legislation or plan for complete details.

Works in and around waterways	National
	Resource Management (National Environmental Standards for Freshwater [NES-F]) Regulations 2020; Resource Management Act 1991
Land disturbance (earthworks, cultivation etc.) within an overlay or near wetlands.	Earthworks or cultivation within 10m of a wetland is permitted if: - it is for horticultural or arable land use and the land was used for those land uses between 1 January 2010 and 2 September 2020, and - the activity doesn't degrade the water in the wetland. - the activity doesn't alter the water movement into, within or from the wetland. - the activity does not cause any erosion of the bed or banks of the wetland. - sediment control mitigations are used to minimise sediment loss to the wetland. - the required information is provided to council at least 10 days prior to undertaking the works. Note, the requirement to provide information to council does not apply when the activity is cultivation for arable or horticultural crops and the area had been previously cropped for this use between 2010 and 2020. **Additional conditions apply. Review the rules.** *NES-F clause 50 and 55* *AUP E11.4.3 (A24, A27, A29)*
Disturbance of the bed of a lake, river, stream or wetland for the purpose of pest plant removal. **Note: see the restrictions on vegetation removal in the biodiversity module!**	
Mangrove and mangrove seedling removal	

Regional	Sub-regional
Auckland Unitary Plan	Auckland Unitary Plan - Overlay areas only
	Farm track maintenance within the Significant Ecological Areas (SEAs) Overlay or the Water Supply Management Areas (WSMA) Overlay is permitted. Earthworks in the other overlay areas requires a resource consent if the area disturbed exceeds 5 m2 or 5 m3. Note: Any cultivation within an SEA or WSMA requires a consent. *AUP E11.4.3 (A24, A27, A29)*
Removal of pest plants from the bed of a waterway is permitted provided: - it does not divert or cause infilling of the bed. - it does not cause bank instability. - best practice sediment and erosion control measures are used. - any materials are non-toxic to aquatic life. - debris isn't deposited downstream. - the bed must be restored to allow water flow and fish passage. - the removal must comply with an approved pest management plan. - the council is advised prior to starting work. *AUP E3.4.1, E3.6.1.1, E3.6.1.4, E3.6.1.8*	
Removal of up to 200m^2 of mangrove seedlings from the bed of a waterway is permitted provided: - the general permitted activity conditions are met (Table 1). - it doesn't lead to bank instability or infilling of the bed. - does not divert the lake or river to a new course. - the bed is restored to a profile that doesn't impede water flow or fish passage. - any chemicals must be used in accordance with an approved pest management strategy. - the removal must comply with an approved pest management plan. - the council must be advised of the planned start and completion dates. - removed vegetation must be disposed of outside the river channel and areas adjacent to the marine area. - visible disturbance of the bed must be remedied. - removal must be done by hand. - removal must not be in areas where mangroves are mitigating erosion. - removal must not disturb areas of salt marsh or sea grass. - other than for areas less than 30m2, written advice must be provided to council at least 10 days prior. **Additional conditions apply. Review the rules.** *AUP E3.4.1, E3.6.1.1, E3.6.1.4, E3.6.1.9*	

Table 2 cont.: Regulation matrix providing a summary only of the rules relating to works in and around waterways. Refer to the relevant legislation or plan for complete details.

Works in and around waterways	National
	Resource Management (National Environmental Standards for Freshwater [NES-F]) Regulations 2020; Resource Management Act 1991
The construction and maintenance of drains	The cleaning of existing farm drains is usually permitted, provided it does not contravene a rule in a regional plan. However, under the RMA there is a general requirement that you avoid, remedy or mitigate any adverse effects from your activities. Natural Inland Wetlands may not be drained for land intensification. *NES-F Clause 38-39*
Diversion or modification of a stream or river to a new course	The diversion of water within 100m of a natural inland wetland has extensive conditions that must be complied with. Research the rules before undertaking any works. Note: To be permitted, information must be supplied to council describing the works at least 10 days prior to commencement (see the "Sources for further information" section for the link to the appropriate form.) *NES-F Clauses 46, 47, 54, 55*
Removal of material from a streambed or river	

Regional	Sub-regional
Auckland Unitary Plan	Auckland Unitary Plan - Overlay areas only
Permitted provided the drain is not a modified watercourse. If the drain is a modified watercourse then its permitted provided: - the length of the drain cleared is less than 100 m. - the volume of material does not exceed 1500 m^3 - 2 months must elapse before the drain can be disturbed within 100m or the previous area. Where the drain enters a river there is: - no conspicuous change in clarity, colour, odour, scums, foams or films. - no significant impact on aquatic life or making the water unsuitable for stock water. - best practice erosion and sediment control measures are used. - the activity must not destroy or damage any heritage or cultural sites. Otherwise, a discretionary consent is required. *E3.4.1 (A10), E3.6.1.1, E3.6.1.4, E3.6.1.5*	If the drain is a modified watercourse then: Discretionary activity for distances under 100 m. Non-complying activity for distances over 100 m. *E3.4.1, (A10), E3.6.1.1, E3.6.1.4, E3.6.1.5*
Requires a discretionary consent *E3.4.1 (A19)*	Requires a non complying consent *E3.4.1 (A19)*
Up to 50 m^3 per year is permitted to be removed provided: - no conspicuous change in clarity, colour, odour, scums, foams or films. - no significant impact on aquatic life or making the water unsuitable for stock water. - machinery is not allowed into the water (or any wet part of the bed). - refueling and mixing of construction materials and maintenance of equipment must not occur within 10 m of the bed. - best practice erosion and sediment control measures are used. - the activity must not cause more than minor bed erosion. - the activity must not destroy or damage any heritage or cultural sites. - The material must be used on the property and not sold. *E3.4.1 (A13), E3.6.1.1, E3.6.1.4, E3.6.1.7*	Requires a non complying consent *E3.4.1 (A13)*

Sources for further information

National legislation

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

Part 3, subpart 3 - passage of fish affected by structures. Clauses 58 - 74.

Auckland Council GeoMaps tool.

A GIS system containing spatial layers showing the planning zones, overlays and other useful information for a property.

Regional rules

Auckland Unitary Plan

Chapter E Auckland-wide, natural Resources, E3: Lakes, Rivers, Streams and Wetlands.

Hauraki Gulf Islands District Plan.

Part 10c. Contains the requirements for separation distances between buildings and waterbodies.

Other sources

NIWA – New Zealand Fish Passage Guidelines

Provides recommended best practice for the design of instream infrastructure to provide for fish passage.

Auckland Council

Phone: 09 301 0101

Ministry for the Environment – Regulations for Fish Passage poster

Poster explaining the regulations for fish passage, who it applies to, and how to comply.

Ministry for the Environment - National works in waterways guideline

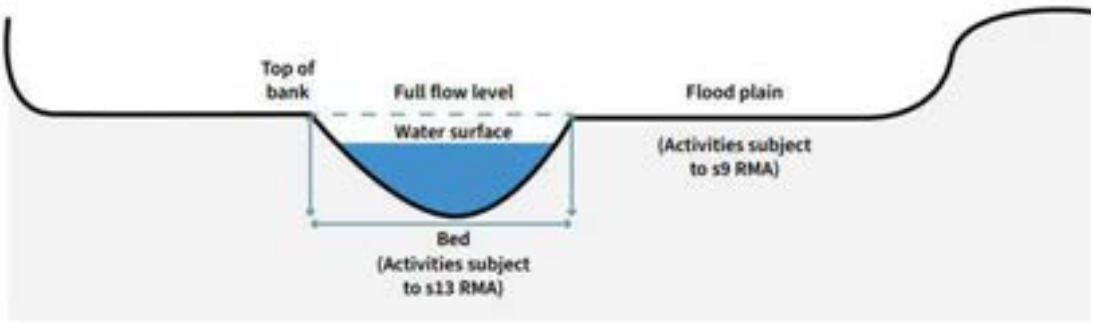
Best practice guide for works in and adjacent to waterways.

Auckland Council - Works in and around rivers and streams

Information on requirements for fish passages and structures in rivers and streams.

Forms required to be completed prior to undertaking permitted activities near wetlands or where fish passage is impacted

Your trusted rural professional such as your farm advisor.



For situations where the top of one side of the bank is higher than the other, the top of the bank is the lower of these, as shown on the right.

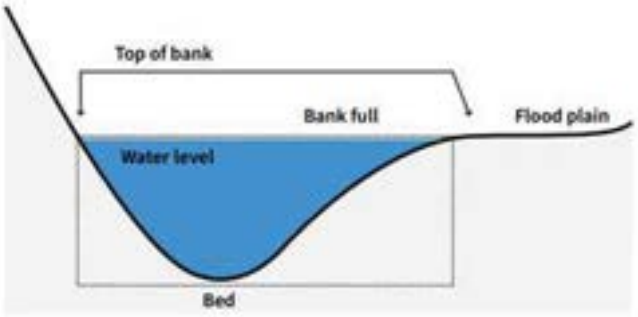


Figure 1: Diagram depicting the bed of a waterbody.

Self-check: Works in and around waterways

Actions to meet regulations governing works in and around waterways

- ☐ Review the national, regional and district rules and identify which ones are applicable to your faming business *(refer to the regulation matrix for guidance).*

Actions to meet national and regional regulations regarding works in and around waterways including earthworks, land disturbance, and vegetation clearance.

- ☐ Confirm the status of all waterbodies on your property and ensure that all staff and contractors are aware of this.
- ☐ Familiarise yourself with permitted activity conditions for any works before starting and make sure you can comply.
- ☐ Assess any existing structures on your farm and check whether they comply with the permitted activity and consent requirements.

Caution

Rules relating to works in and around waterways are extensive and highly complex.

Before undertaking work, it is highly recommended that you refer directly to the rules and seek advice from the regional and district council. This includes any earthworks, land disturbance, vegetation clearance or drainage activities on-farm.

Freshwater

Water takes

Learning outcomes

- Understand why water takes are regulated.
- Understand the key regulations that govern water takes, and which regulations might apply to your farm.
- Know where to find the full details on the relevant legislation and other supporting information.
- Understand what changes your farm business might need to implement to comply with water take regulations.

Key compliance actions

- [ ] Identify and comply with the applicable national, regional and sub-regional rules relating to water takes.
- [ ] Keep records to demonstrate compliance against the relevant rules.
- [ ] If you have a resource consent, comply with all conditions including the submission of the required records.

Background

» The Auckland region receives around 1100 mm of rainfall on average each year. May to August are the wettest months while January and February are the driest months.

» In the future, Auckland is projected to experience more dry days and more frequent and longer droughts. Rainfall is expected to remain similar but occur less frequently and be more intense.

» Demand for water already equals or exceeds availability in some surface waterbodies and aquifers. Future growth is expected to increase this demand and competition for fresh water. Choices then need to be made about the allocation of water for municipal water supply, industrial and rural activities, and other uses.

» To meet the increasing demand for water resources and manage allocations, the National Policy Statement for Freshwater Management 2020 requires that regional councils find methods to improve and encourage the efficient use of water.

Regulatory framework

» Regulations relating to water takes are imposed at the national and regional level, as well as sub-regionally in sensitive catchments. Where rules or conditions overlap or duplicate between regulations (e.g., between national legislation and regional regulation), the most stringent will apply.

» The farm location determines which regulations apply to your business.

» Some of the key rules to be aware of, and how to comply with them, are provided below. They are also summarised in the regulation matrix on Table 1. The summaries and matrix should be used as guidance only. Always refer back to the legislation for the complete rules and conditions or talk to your regional council.

Key regulations and supporting information

National regulations: Water take and use

» Under the Resource Management Act (RMA) farms are able to take and use water for reasonable domestic needs and for stock drinking water provided the take does not have an adverse effect on the environment.

» This does not include water for dairy shed washdown, milk cooling or irrigation.

» Under the National Policy Statement for Freshwater Management councils are required to:

- Improve and maximise the efficient allocation of water.
- Operate a water quantity accounting system for each Freshwater Management Unit (FMU). This system must provide information on the amount of water used, the amount of water allocated and the amount of water available.

» The Resource Management (Measuring and Reporting of Water Takes) Regulations 2010, (recently amended in 2022) put in place measuring and reporting requirements for consents where water is taken at 5 litres per second or more.

» Where a water permit is held for takes over this level, water use is required to be recorded every 15 minutes and submitted electronically to councils on a daily basis. This will generally require telemetry systems which are installed at the point of abstraction. An installation certificate will need to be provided to the regional council following any new installation. Accuracy of water meters must be verified on installation and then every five years by accredited service providers.

» The date at which this reporting regulation takes effect is based on the rate allowed under the water permit:

  - **3 September 2022** – for permits equal to or over 20 litres per second,
  - **3 September 2024** – for permits equal to or over 10 litres per second, but less than 20 litres per second,
  - **3 September 2026** – for permits equal to or over 5 litres per second, but less than 10 litres per second.

» Taking or using water within 100 m of a natural wetland, or expanding the area of irrigation of dairy farmland, may require consent under the National Environmental Standards for Freshwater.

<u>Regional regulations: Water takes</u>

» When allocating freshwater resources, the Auckland Council gives priority to water uses as follows:

  1. existing and reasonably foreseeable domestic and municipal water supply and animal drinking water requirements;
  2. existing lawfully established water users;
  3. uses of water for which alternative water sources are unavailable or unsuitable;
  4. all other uses.

» Water takes from rivers, streams and existing bores are permitted under the plan. The permitted take levels are unlikely to be sufficient to support water use through a dairy shed and therefore a water take consent is likely to be required for dairy operations.

» For completeness, the requirements relating to the construction, maintenance and repair of bores have been included in this module alongside the requirements for the taking of water from a bore.

» To determine the amount of water available for allocation, the council have produced water river and aquifer availability tables. These tables provide the amount of water available for takes in each catchment. When applying for consent, the council uses these tables along with existing water take information to determine whether your application will cause the catchment or aquifer to become over-allocated.

» This module also covers the damming of water. This is different to the activity of constructing a dam which has its own environmental risks (covered in the 'Works in and around Waterways' module). The activity of damming water carries environmental risks resulting from flooding land and potentially altering the water table.

Rules relating to water takes for the Auckland region

If this section relates to your farming enterprise, it is important you familiarise yourself with the rules noted beneath each condition.

Table 1: Regulation matrix providing a summary only of the rules relating to water takes. Refer to the relevant legislation or plan for complete details.

Water takes	National
	Resource Management Act, Resource Management (Measuring and Reporting of Water Takes) Regulations 2010
Surface water takes	Takes from surface water for domestic and stock water requirements are permitted provided they don't have any adverse environmental effects. RMA Part 14 (3) (b) Where a water permit (a consent) is held to take water over 5 litres per second, records of the amount being taken must be recorded every fifteen minutes and submitted to the Council each day. The date when this must be done is as follows: 3 September 2022 – For takes of 20 litres per second or more 3 September 2024 – For takes of 10 litres per second or more 3 September 2026 – For takes of 5 litres per second or more *Resource Management (Measuring and Reporting of Water Takes) Amendment Regulations 2010.*
Diverting surface water and the associated discharge of water	

Regional	Sub-regional
Auckland Unitary Plan	**Auckland Unitary Plan - Wetland Management Areas Overlay**
Permitted: - Up to 5 m^3 per day from a river or spring, - Up to 20 m^3/day from a lake, - Any amount from a lawfully established off-stream dam, - Up to 5 m^3/day from a lawfully established on-stream dam, - The take and use of water from puna wai within Māori Land. <u>Permitted takes are conditional on:</u> - Max. velocity through the intake screen is no more than 0.3 m/s, - One dimension of the intake screen must be no greater than 1.5 mm. - Intake screen must be at least 0.5 m from the waters edge or in the middle of the stream if less than 1 m wide, - Council must be advised 15 working days before starting a take using the prescribed council form (see "Source for further information" section for a link to the form), - The take and use of water from puna wai on Māori land must be in accordance with tikanga Māori and for the communal benefit of Mana Whenua. Where the permitted activity conditions cannot be met a restricted discretionary or discretionary consent is required. *AUP E7.4.1 (A1-A5, A9), E7.6.1*	A resource consent is required for surface takes in areas identified in the Wetland Management Areas Overlay. *AUP E7.4.1 (A1-A5, A9)*
The drainage of production land or the diversion of an artificial watercourse (drain) into a waterbody is permitted provided: - It is not within the Natural Lake, Stream or Wetlands Management areas overlays, - It must not cause the flooding of a property during flood events, - It must not cause erosion of a waterbody, - It must not lower the water level in a wetland, - It must not reduce the water quality of the waterbody it enters. <u>Additional conditions apply – review the rules.</u> Where the permitted activity conditions cannot be met a resource consent is required. *AUP E7.4.1 (A10-A13), E7.6.2*	Any drainage, diversion or discharge of water within a Wetland Management Areas Overlay requires a non-complying consent. *AUP E7.4.1 (A10-A13)*

Water takes	National
	Resource Management Act, Resource Management (Measuring and Reporting of Water Takes) Regulations 2010
Damming or diversion of river or stream for take and use	
Pump testing a bore	

Regional	Sub-regional
Auckland Unitary Plan	Auckland Unitary Plan - Wetland Management Areas Overlay
The **damming of water behind existing (lawfully established) dams** is permitted provided the general dam requirements noted below are met: - they are structurally sound and safe in all situations. - they do not flood a wetland unless it is for the purpose of restoring or maintaining the wetland. - they are no more than 4 m high. - must not impede drainage on neighbouring properties. - they are designed so that the dam wall is not overtopped in a 1 in 100-year flood event. - stock are not allowed to damage the crest or face of the dam. Further conditions apply – review the rules. To be permitted, **damming water behind off-stream dams** must also meet the following conditions in addition to the general dam requirements (see above): - Surface area (of water) must not exceed 5000 m^2 and the dam volume cannot exceed 20,000 m^3. - If constructed before October 2001 the dam's contributing catchment can be no more than 40 ha. - If constructed after October 2001 the dam's contributing catchment can be no more than 20 ha. - Notice must be provided to the Council using the prescribed form at least 15 working days prior to starting works (see the "Sources for further information" section for a link to the form). Further conditions apply – review the rules. To be permitted, **damming water behind on-stream dams** must meet the following in addition to the general dam requirements (see top): - If constructed before October 2001 they must allow fish passage, have a surface area of 5000 m^3 or less, have a catchment of 40 ha or less and, if designed as a sediment trap for cultivated land, be operated to avoid sediment loss. Further conditions apply – review the rules. To be permitted, **weirs** must meet the following in addition to the general dam requirements (see top) and the damming water behind on on-stream dam requirements (see above): - Allow fish passage in water bodies containing fish. - Maintain the same flow either side of the weir. To be permitted, **temporary dams** must meet the following in addition to the general dam requirements (see top): - Must be used to divert the flow of water around temporary works in the bed of a stream. - The temporary dam must be removed as soon as practicable after completion. Further conditions apply – review the rules. *AUP E7.4.1 (A29-A33) E7.6.1.11- E7.6.1.15*	
Permitted provided: - For no more than 7 days at an average no more than 1000 m^3/day - it is not geothermal water. *AUP E7.4.1 (A16), E7.6.1.5*	

Water takes	National
	Resource Management Act, Resource Management (Measuring and Reporting of Water Takes) Regulations 2010
Ground water takes	Takes from ground water for domestic and stock water requirements are permitted provided they don't have any adverse environmental effects. *Part 14 (3) (b)* Where a water permit (a consent) is held to take water over 5 litres per second, records of the amount being taken must be recorded every fifteen minutes and submitted to the Council each day. The date when this must be done is as follows: 3 September 2022 – For takes of 20 litres per second or more 3 September 2024 – For takes of 10 litres per second or more 3 September 2026 – For takes of 5 litres per second or more *Resource Management (Measuring and Reporting of Water Takes) Amendment Regulations 2010.*
Restoration, alteration or replacement of an existing bore	
New bores for water takes	
Decommissioning a bore	

Regional	Sub-regional
Auckland Unitary Plan	Auckland Unitary Plan - Wetland Management Areas Overlay
Permitted provided: - Up to 5 m^3/day averaged over any consecutive 20-day period can be taken from anywhere but not from the Omaha Waitemata High-Use Aquifer Management Area – see Auckland GeoMaps overlay). - Up to 20 m^3/day when averaged over any consecutive 5-day period and no more than 5000 m^3/yr (but not from any High-Use Aquifer Management Area – see Auckland GeoMaps overlay). - 20 m^3/day takes must be at least 100 m from any other bore drawing from the same aquifer. - Notice must be provided to Council using the prescribed form at least 15 working days prior to taking water (see the "Sources for further information" section for a link to the form). *AUP E7.4.1 (A14, A15), E7.6.1.3, E7.6.1.3*	
Permitted provided: - Restored or new bore extracts from the same aquifer as the old bore, - The replacement bore must be within 10 m of the old bore, - Council must be notified using the prescribed council form (see "Sources for further information" section for a link to the form). Further conditions apply – review the rules. *AUP E7.4.1 (A39), E7.6.1.16, E7.6.1.19*	Restricted discretionary consent required. *AUP E.7.4.1 (A39)*
Controlled activity consent required. *AUP E7.4.1 (A41)*	Restricted discretionary consent required. *AUP E7.4.1 (A41)*
Permitted provided: - Council are informed using the prescribed form prior to decommissioning (see "Sources for further information" section for a link to the prescribed form), - Section 2 and 4 of the Environmental Standard for Drilling Soil and Rock is followed and the information specified in section 4 must be provided to Council within 1 month of completion. *AUP E7.4.1 (A40)*	Restricted discretionary consent required. *AUP E7.4.1 (A40)*

Sources for further information

National legislation

Resource Management Act 1991

National restrictions relating to water - part 14 (3) (b)

Resource Management (Measurement and Recording of Water Takes) Amendment Regulations 2010

Regional rules

Auckland Unitary Plan

Chapter E7. Taking using damming and diversion of water and drilling

Auckland Council Geomaps

Auckland councils online geospatial system identifying the various overlays and management areas.

Auckland Council

Prescribed form when giving notice of permitted activity to drill, alter, replace or decommission a bore.

Other sources

Auckland Council – reporting water use on rural properties

Information on water metering rules and how to report your water use data.

Environmental Standard for Drilling Soil and Rock

Sets out the environmental standards for constructing, maintaining and decommissioning bores.

Auckland Council

Phone: 09 301 0101

Your trusted rural professional such as your farm advisor.

Self-check: Water takes

Actions to meet national legislation

- ☐ Check your water permit for the maximum rate of water take allowed.
- ☐ Identify the date for when you must report your 15-minute water usage to regional council.
- ☐ Install a telemetered water meter prior to the identified date.

Actions to meet regional rules

- ☐ Review the regional rules and identify which ones are applicable to your farming business (refer to the regulation matrix for guidance).
- ☐ Measure your daily water usage and ensure you can comply with the permitted activity thresholds or your consent conditions.

Freshwater

Agrichemicals and fuels

Learning outcomes

- Understand the impact agrichemicals and fuels can have on the environment.
- Understand the key regulations that govern agrichemical and fuel use, and how to identify the requirements for your farm.
- Know where to find the full details on the relevant legislation, and other supporting information.
- Understand what changes your farm business might need to implement to comply with agrichemical and fuel regulations.

Key compliance actions

- [ ] Identify and meet the applicable national and regional rules relating to agrichemicals and fuel.
- [ ] Keep records to demonstrate compliance against the relevant rules.

Background

» Agrichemicals are any substance, whether man-made or naturally occurring, that is used in agriculture or horticulture to control plants, bacteria, fungi and animals. They include things like fertilisers, insecticides, herbicides, fungicides and growth regulators.

» Fuels, while not considered agrichemicals, carry a similar risk to the environment and human health.

» Many farm chemicals are harmful to the environment (ecotoxic). They can pollute waterways and kill fish, animals, insects (like bees), and vegetation (like native bush). They can also cause long-term contamination of soil.

» Some agrichemicals (e.g., organochlorines like dieldrin, DDT and endosulfan) persist and accumulate in the environment causing harm to wildlife and humans. While most organochlorines have been banned, other pesticide families, such as organophosphates, are under scrutiny. The use of any pesticide must be managed to ensure the risk to the environment and human health is minimised or avoided altogether.

» The responsible use of agrichemicals protects our environment, human health and helps ensure that these tools remain available for primary production.

Regulatory framework

» Regulations relating to agrichemical application are imposed both at the national and regional level. Where rules or conditions overlap or duplicate between regulation (e.g., between national legislation and regional legislation regulation), the most stringent will apply.

» Some of the key rules to be aware of, and how to comply with them, are provided below and summarised in the regulation matrix in Table 2. The summaries and matrix should be used as guidance only. Always refer back to the legislation for the full rules and conditions.

Key regulations and supporting information

National regulations:

» There are two key regulations governing agrichemical use at the national level:
  - Hazardous Substances and New Organisms Act (HSNO Act),
  - Health and Safety at Work Act (HSW Act).

» The HSNO Act sets rules to protect the environment through the Hazardous Substances (Hazardous Property Controls) Notice 2017.

» The HSW Act sets rules to protect people through the Health and Safety at Work (Hazardous Substances) Regulations 2017.

» Worksafe have published a useful good practice guideline to help farmers comply with the health, safety and environmental laws for chemicals and fuels (see the "Working safely with chemicals and fuels on farm" link in the 'further information' section of this module).

» Another useful tool is the Hazardous Substances Toolbox (see the "Hazardous Substances Toolbox" link in the 'further information' section of this module). This tool guides you through your responsibilities when using agrichemicals and fuels, helps you create an inventory of hazardous substances on the property and identifies the requirements applicable to those substances.

» Key areas where a farmer must pay particular attention include:
  - the person in charge (normally the farm owner or manager) is responsible for ensuring all the rules set under the HSNO Act are adhered to,
  - always follow the chemical label and ensure Safety Data Sheets are available (note, these are available online to be downloaded, or you can ask your chemical rep for a copy),
  - ensure that all staff handling agrichemicals have the correct training (training is provided by various training institutions including Growsafe – see link in the 'further information' section of this module),
  - ensure the correct safety gear is available and worn,
  - ensure chemicals are stored safely and the correct safety signage is used, (the "Working safely with chemicals and fuels on farm" booklet has a simple description of when and what signs are required – see link in the 'further information' section of this module),
  - check labels to identify which chemicals need to be tracked and the information required to be recorded,
  - have written plans in a visible location to deal with emergencies (e.g., poisoning, spills, and fires),
  - dispose of surplus chemicals and chemical containers correctly (see chemical label).

» Where more than 2000 litres of petrol is stored, or certain toxic chemicals are used, approved handler training and certificates are required (Figure 1). If a contractor is used to apply these chemicals, the farm operator must ensure that the contractor is certified.

- Fuel and chemical storage and mixing sites can be critical source areas. Management and siting of these areas is important to mitigate the risk of chemicals entering either groundwater or surface waterbodies. The distance requirements between fuels (flammable chemicals) and various sites or activities on-farm are shown in Figure 2.
- To determine storage requirements for fuel and agrichemicals you must look at the safety data sheet as this will provide the information on how the substance must be stored and which other substances it should be kept away from.
- In some cases, secondary containment is required to avoid pollution of the environment and/or harm to people or property in the case of a spill or leak.
- The Health and Safety at Work (Hazardous Substances) Regulations 2017 set out threshold quantities above which a secondary containment system must be provided. The threshold quantities depend on the hazard classification (as identified on the safety data sheet) for a particular substance and the size of the container.
- Requirements for secondary containment (e.g., bunding, double-skinned tanks, spill trays) for common agricultural agrichemicals and fuels are provided in Table 1.
- Additional rules relating to fuel and chemical storage on-farm exist including requirements for emergency response plans, holding safety data sheets, signs and labelling. These can be found on the WorkSafe website.

Table 1: Threshold quantities for secondary containment of common agricultural substances.

	Above ground tanks	Drums
Petrol	2500 L	2000 L
Diesel	2500 L	2000 L
Glyphosate 1	1000 L	

** if petrol and diesel are stored in the same tank, then the combined threshold remains at 2,500 L.*
***these threshold quantities assume that the tank is located where spills do not present a risk to buildings or water bodies.*
**** if you store more than 2000 L of petrol you need an approved handler test certificate.*

Regional regulations: Rules relating to agrichemical use

» Under the regional regulations in the Auckland Unitary Plan, agrichemicals include insecticides, herbicides and fungicides but don't include fertilisers and vertebrate pest control products (i.e., rat and possum bait).

» The application of agrichemicals by air or ground is a permitted activity subject to conditions.

» The Auckland Unitary Plan imposes additional conditions when spraying areas that are adjacent to sensitive areas. Sensitive areas include the following:

  - dwellings,
  - schools,
  - marae and papakainga,
  - hospitals and aged care facilities,
  - amenity areas and public places,
  - water sources including roof water collection,
  - non-target crops including flora and fauna (e.g. bees) sensitive to agrichemicals,
  - certified organic farms or farms seeking certification,
  - waterways, the marine area and areas in the Significant Ecological Areas Overlay.

» The use of agrichemicals is covered under NZ standard 8409:2004. NZ standards are not legislative documents unless they are cited in legislation. The AUP cites four sections in NZS 8409:2004 that are required to be followed:

  - Safe Storage of Agrichemicals (Users) in Appendix L4;
  - Safe Use of Agrichemical Compounds and Plant Protection Products in Section 5.3;
  - Disposal of Agrichemicals and Containers (Normative) in Appendix S; and
  - Agrichemical Application Records Sheet in Appendix C9.

» NZS 8409:2004 has been superseded by NZS 8409:2021. This revised standard is likely to be cited in the next generation of regional rules.

» NZS 8904 is under copyright so cannot be reproduced here. We recommend that those farms undertaking agricultural spraying operations obtain a copy of this standard for reference.

» Record keeping is one of the best ways to demonstrate compliance and due care. Growsafe provide templates and examples of spray plans, farm maps and notification forms (see links in the "further information" section of this module).

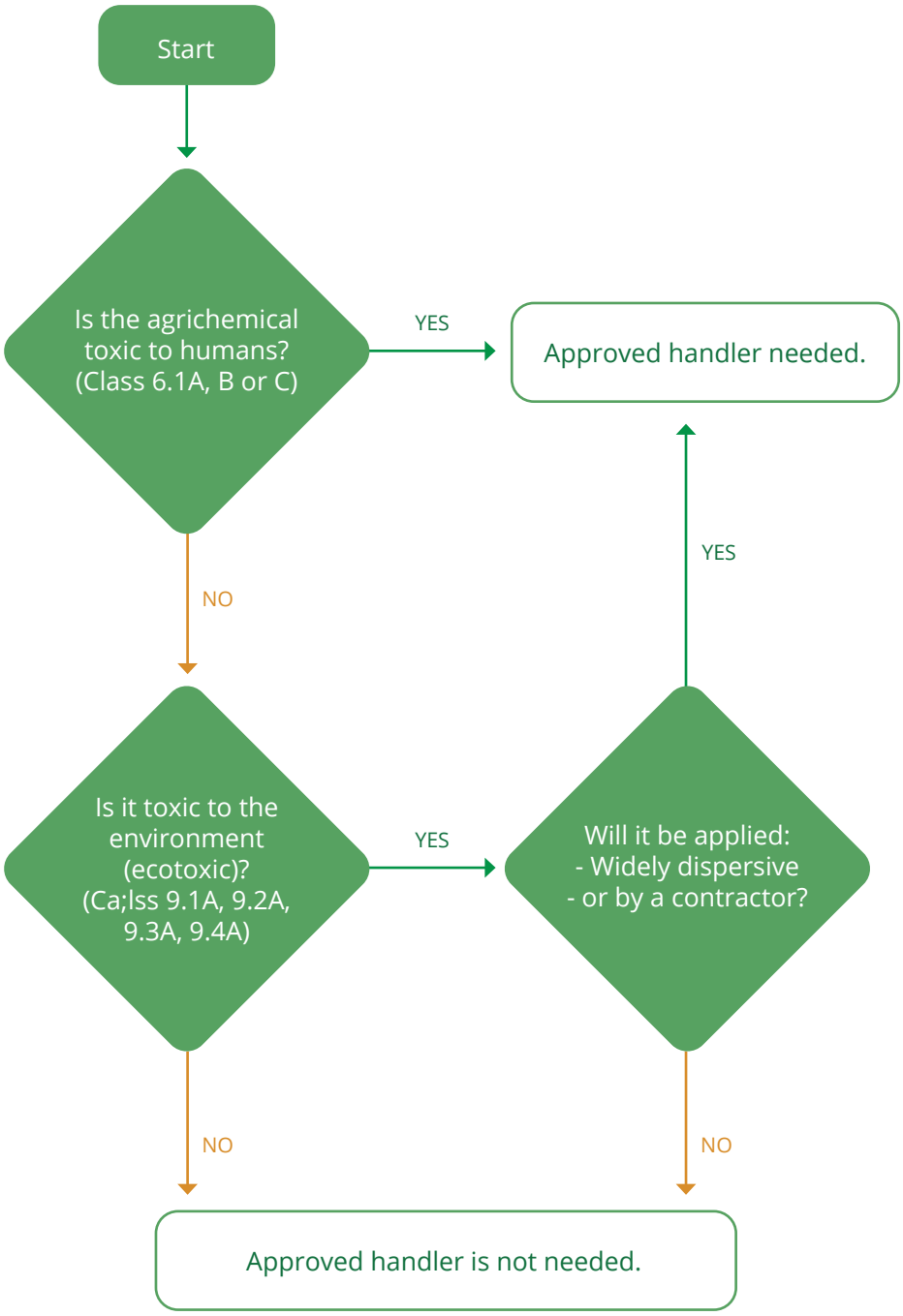


Figure 1: Flowchart to determine whether an approved handler certificate is required.

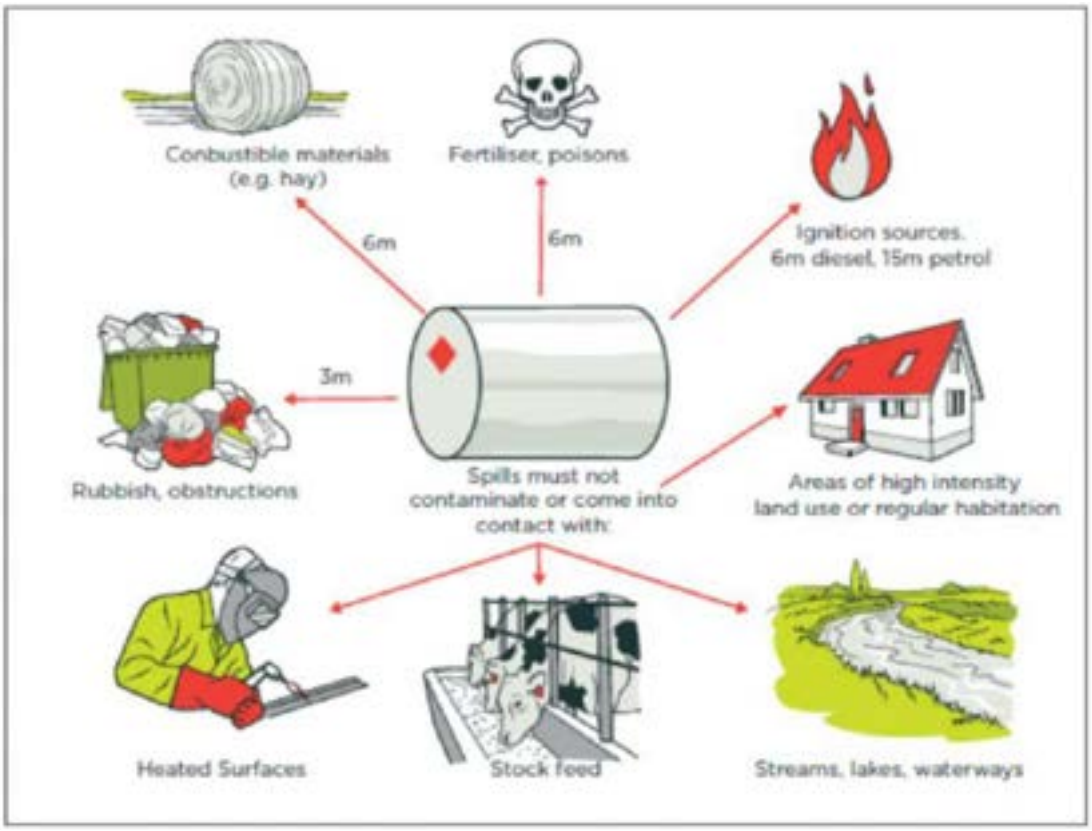


Figure 2: Required fuel storage distances

Rules relating to agrichemical and fuel use in the Auckland region

If this section relates to your farming enterprise, it is important you familiarise yourself with the rules noted beneath each condition.

Table 2: Regulation matrix providing a summary only of the rules relating to water takes. Refer to the relevant legislation or plan for complete details.

Agrichemicals	National
	Hazardous Substances (Hazardous Property Controls) Notice 2017; Health and Safety at Work (Hazardous Substances) Regulations 2017
Application of insecticides, herbicides and fungicides (where the application is not adjacent to sensitive areas)	The regulations and controls are too extensive to list. Use the "Working safely with chemicals and fuels on farms" and "Hazardous Substances Toolbox" guides to identify regulatory requirements under national legislation. See resource links to these in the *further information* section of this module.
Application of insecticides, herbicides and fungicides (where the application is adjacent to sensitive areas)	

Regional
Auckland Unitary Plan
The commercial application of agrichemicals (not including fertilisers or vertebrate control products) is permitted providing: - there is no application beyond the target property that causes adverse or objectionable effects, and all necessary steps are taken to avoid or reduce off-site adverse effects. - no direct discharge to water unless the chemical is approved for this use by the EPA. - the product is applied as per the label and in accordance with the storage, mixing, use, container disposal and record keeping requirements of NZS8409:2004 (note, this has been revised to NZS8409:2021 but has not yet been updated to this in the AUP). - a spray plan identifying the sensitive areas is created and affected persons to be advised 7 days prior to application. - the landowner must ensure the person applying agrichemicals holds the required qualifications for the mode of application (see Appendix 18). **Additional conditions apply. Review the rules.** *AUP E34.4.1 (A2), E34.6.1.1, E34.6.1.2*
The commercial application of agrichemicals (not including fertilisers or vertebrate control products) adjacent to sensitive areas is permitted providing: - the conditions for non-sensitive applications are met (see above). - the landowner or occupier of the sensitive area must be advised at least 24 hour prior to application if requested. - if the adjacent area is public land, a public notice must be placed in the newspaper at least 7 days prior, and signs must be placed in the vicinity during spraying and any stand-down period. - a risk assessment must be completed. - during application the wind must be blowing away from the sensitive area. - the spray equipment must produce “coarse” droplets. - the applicator must demonstrate and record the use of appropriate steps to reduce spray drift (i.e., adding adjuvant, reducing release height, using larger droplets and using spray modelling software). **Additional conditions apply. Review the rules.** *AUP E34.4.1 (A2), E34.6.1.1, E34.6.1.2*

Sources for further information

National legislation

Hazardous Substances (Hazardous Property Controls) Notice 2017

Contains the requirements for the use of hazardous substances to protect the environment and people outside the workplace.

Health and Safety at Work (Hazardous Substances) Regulations 2017

Contains the regulations for the protection of people in the workplace.

Regional rules

Auckland Unitary Plan

Chapter E Auckland-wide, Environmental risk, E34 Agrichemicals and vertebrate toxic agents. Contains the regional objectives, policies and rules on the use of agrichemicals.

Other sources

WorkSafe - Working safely with chemicals and fuels on farms

Good practice guidelines to help farmers comply with the health, safety and environmental rules for chemicals and fuels.

Growsafe - planning templates

Templates and examples of spray plans, farm maps and notifications.

Hazardous Substances Toolbox

A practical guide for working safely around hazardous substances.

Growsafe – training courses

Information on the courses offered, who should do the courses and how to apply for training.

Standards New Zealand

Website to find and purchase NZ standards.

Your trusted rural professional, including your fuel supplier and farm advisor.

Auckland Council

Phone: 09 301 0101

Self-check: Agrichemical and fuel use

Actions to meet national legislation

- ☐ Meet the agrichemical regulations by:
  - ☐ Creating an inventory of hazardous substances on farm and obtaining copies of the relevant safety data sheets.
  - ☐ Ensuring staff know where the safety data sheets are kept and can access them easily.
  - ☐ Using the hazardous substances calculator to determine the rules that apply to your farm.
  - ☐ Ensuring all persons handling agrichemicals and fuels are adequately trained (including contractors!) and use appropriate PPE.
  - ☐ Ensuring the storage, use, disposal and tracking requirements for each of the hazardous substances are met.
  - ☐ Where chemicals are required to be tracked, ensuring you have easily understandable records that are readily available, cover all the required details and remain available for at least three years.

Actions to meet regional rules

- ☐ Meet the permitted activity conditions by:
  - ☐ Creating a spray plan for each paddock/area to be sprayed with agrichemicals. This must include sensitive areas, affected persons and notification details (who must be notified by when).
  - ☐ Check the qualification requirements (Appendix 18 of the AUP) and ensure all people handling the agrichemicals are suitably qualified or supervised by a suitably qualified person.
  - ☐ Purchase and familiarise yourself with NZS 8409:2021.

Freshwater

Cultivation

Learning outcomes

- Understand the impact cultivation can have on the environment.
- Understand the four key principles for erosion and sediment management.
- Know where to find the full details on the relevant legislation and required best management practices.
- Understand what changes your farm business might need to be implemented in order to comply with cultivation regulations.

Key compliance actions

- [ ] Identify and meet the applicable national and regional rules relating to cultivation application.
- [ ] Keep records to demonstrate compliance against the relevant rules.

Background

» Cultivation is the breaking up and turning of soil to create an ideal soil medium for seed germination.

» Cultivation allows water and air to penetrate the soil and can disrupt weed germination. By breaking up the soil aggregates, the nutrients stored in the soil become more accessible to the plant to support growth, but they also become more available for loss to the environment.

» A cultivated soil is more susceptible to erosive forces, such as wind and water, creating a higher risk for sediment loss to waterways.

» Impacts of sediments on waterways include;

- reduced clarity that impacts the feeding ability of aquatic life,
- damage to the feeding apparatus of invertebrates and the gills of fish causing reductions in the abundance of aquatic life,
- rocky bottom streams can become smothered by sand and silt reducing the available habitat,
- eroded sediment can carry toxic chemicals from surrounding land use impacting aquatic life,
- nutrients carried with the sediment enrich waterways leading to unwanted algal growth.

» Cultivation also increases the risk of topsoil loss. When topsoil is lost from a paddock, there is a loss of valuable nutrients, a reduction in the water holding capacity of the soil, and a reduction in soil biology and soil structure. Maintaining the soil within the paddock by minimising cultivation or using good management cultivation practices helps to ensure the paddock remains productive.

Regulatory framework

» Regulations relating to cultivation are imposed both at the national and regional level. Where rules or conditions overlap or duplicate between regulation (e.g., between national legislation and regional regulation), the most stringent will apply.

» Some of the key rules to be aware of, and how to comply with them, are provided below and summarised in the regulation matrix in Table 1. The summaries and matrix should be used as guidance only. Always refer back to the legislation for the full rules and conditions.

Key regulations and supporting information

National regulations:

National Environmental Standards for Freshwater (NES-F)

- Under the NES-F there are restrictions on cultivating within 10 m of a natural inland wetland. To cultivate in this area, there are specific conditions that must be met, and there must also be a history of cultivating this area.
- Although not directly linked to cultivation, the restrictions around discharge and diversion of water within 100 m of a natural inland wetland will also impact horticulture activities.
- Cultivation is also restricted under the Intensive Winter Grazing regulations (see the IWG module).

Accidental discovery rule

- All activity within 20 m of a discovery site must cease immediately when any sensitive material is found (Māori artefacts and kōiwi, fossils, lava caves greater than 1 m in any direction or evidence of contamination). Only work to minimise discharge from contaminated land may be carried out.
- Sufficient area must be secured to prevent disturbance of all sensitive material.
- The authorities that must be notified when sensitive material is found include:
  - NZ Police if any human remains including kōiwi,
  - Heritage NZ Pouhere Taonga for all archaeological finds, including human remains and kōiwi,
  - Mana whenua for all archaeological finds including kōiwi,
  - Auckland Unitary Council in all cases.

Regional regulations:

Rules relating to cultivation (described as “ancillary farming earthworks” in the AUP)

- Under the Auckland Unitary Plan (AUP), cultivation is permitted providing there is minimal impact on water quality and industry best practices are used.
- To provide guidance on acceptable best practice, the plan references the Horticulture NZ publication ‘Erosion and Sediment Control Guidelines for Vegetable Production’ (June 2014). While the practices within this document are not specifically required for cultivation to be permitted, not following these guidelines would likely require sound justification.
- Additionally, best management practices for erosion and sediment control when cultivating must be implemented before the commencement of the activity, during the duration of the crop and until any erosion is stabilised.
- Within the guidelines there are four key steps for erosion and sediment control from cultivation activities (Figure 1). While all four steps should be addressed, putting greater effort into planning and diverting water away from the paddock will likely reduce the scale or number of erosion and sediment control measures required in later steps.

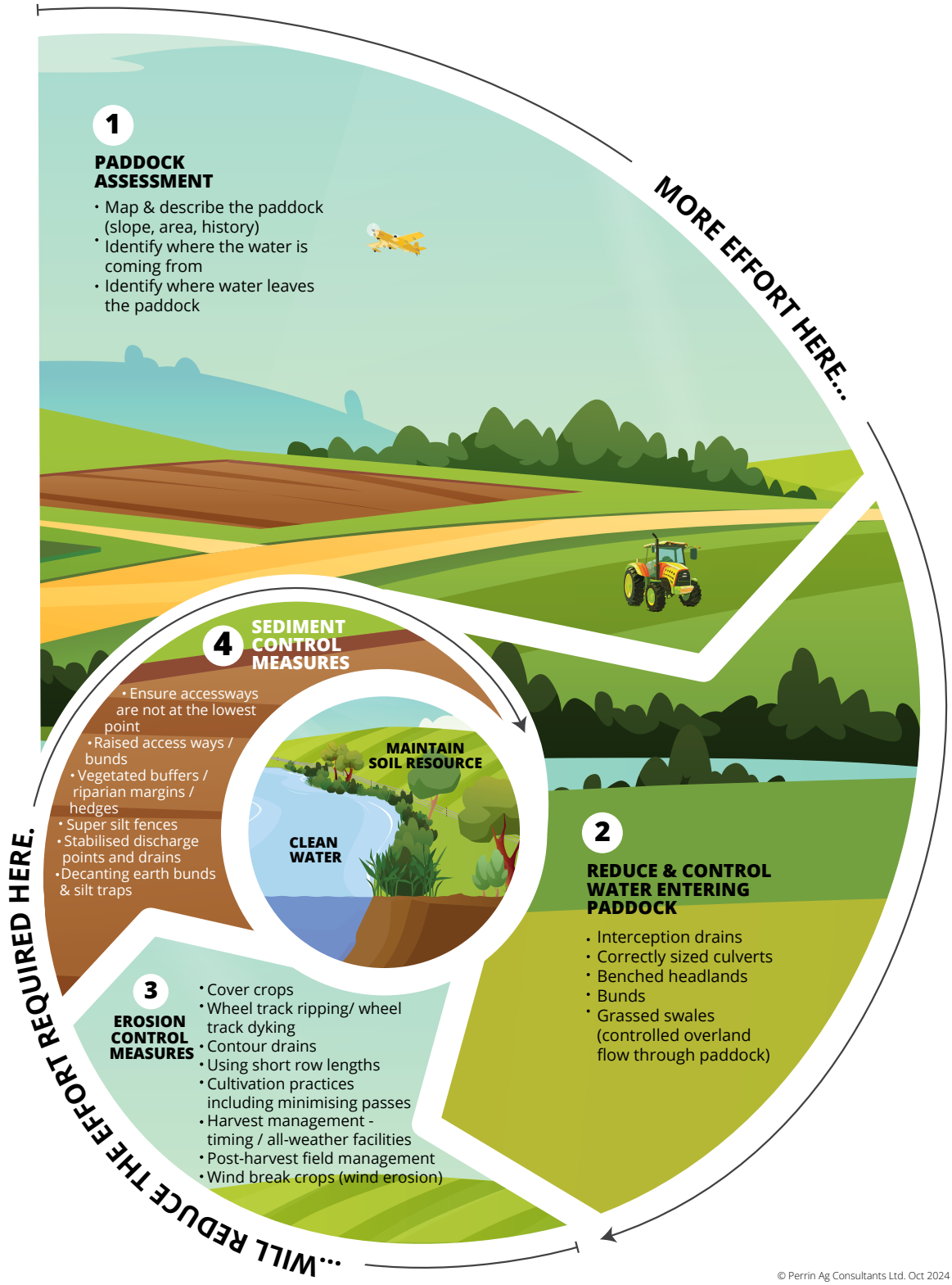


Figure 1: Best practice erosion and sediment control measures (adapted from Horticulture New Zealand's "Erosion and Sediment Control Guidelines for Vegetable Production, 2014").

Rules relating to cultivation in the Auckland Region

If this section relates to your farming enterprise, it is important you familiarise yourself with the rules noted beneath each condition.

Table 1: Regulation matrix providing a summary only of the rules relating to cultivation. Refer to the relevant legislation or plan for complete details.

Cultivation	National	Regional
	Resource Management (National Environmental Standards for Freshwater [NES-F]) Regulations 2020	Auckland Unitary Plan
Cultivation	Cultivation within 10m of a natural inland wetland is permitted if: - it is for horticultural or arable land use and the land was used for those land uses between 1 January 2010 and 2 September 2020, and - the activity doesn't degrade the water in the wetland, - the activity doesn't alter the water movement into, within or from the wetland, - the activity does not cause any erosion of the bed or banks of the wetland, - sediment control mitigations are used to minimise sediment loss to the wetland. **Additional conditions apply. Review the rules.** *Nes-F clause 50 and 55*	Permitted activity conditional on: - runoff from earthworks site must not cause any conspicuous change in colour, clarity or odour of receiving waters. - runoff from earthworks site must not cause receiving waters to be unsuitable for animals to drink or have a significant adverse effect on aquatic life. - best practice sediment control measures must be implemented. - cultivating slopes up to 10 degrees requires a minimum 2 m vegetated buffer between cultivation area and waterbody. - cultivating slopes 10 to 20 degrees requires a minimum 5 m vegetated buffer between cultivation area and waterbody. - cultivating slopes 20 to 30 degrees – requires a minimum 10 m vegetated buffer between cultivation area and waterbody. *AUP E11.4.1 (A11), E11.6.3*

Sources for further information

National legislation

National Environmental Standards Freshwater (2020)

Clause 38: Permitted activity 'Restoration, wetland maintenance, and biosecurity of natural inland wetlands

Regional rules

Auckland Unitary Plan

Chapter E Auckland-wide, Natural resources, E11 Land disturbance - regional.

E11.6.3 Standards for ancillary farming earthworks.

Other sources

Horticulture NZ publication 'Erosion and Sediment Control Guidelines for Vegetable Production' (June 2014).

Your trusted rural professional including your farm advisor.

Auckland Council
Phone: 09 301 0101

Contacts for notification of accidental discovery:

NZ Police – 105 (non-emergency number)
Heritage NZ Pouhere Taonga – 09 307 9920 (Northern Regional Office)

Mana whenua
follow the link on the QR code and enter your address to find the relevant mana whenua contact for your location:

Self-check: Cultivation

Actions to meet national legislation

- ☐ Meet the cultivation regulations by:
  - ☐ Only cultivating within 10m of a wetland if it's for horticultural or arable land use, and you can demonstrate that the land was cultivated for those purposes during the period 1 January 2010 to 2 September 2020.

Actions to meet regional rules

- ☐ Meet the permitted activity conditions by:
  - ☐ Ensuring there is an appropriately sized vegetated buffer strip (depending on the slope) between the cultivated area and any waterbody.
  - ☐ Planning and implementing measures to minimise any water entering a cultivated paddock.
  - ☐ Planning and implementing appropriate measures to minimise sediment loss from the paddock.
  - ☐ Planning and implementing appropriate measures to capture any sediment lost from the paddock.

2

FARM REGULATION REFERENCE GUIDE

Greenhouse Gases

Funded by Agriculture & Investment Services
Ministry for Primary Industries
Manatū Ahu Matua

perrin ag™
NEW ZEALAND AGRI-BUSINESS ADVISORS

Greenhouse Gases

Learning outcomes

- Have an understanding of New Zealand's greenhouse gas commitments and agriculture's role in reducing emissions.
- Understand how to calculate your farm's greenhouse gas emissions and be able to estimate the cost impact to the business.
- Know where to go to find further information.

Key compliance actions

- [ ] Know your greenhouse gas emissions number.
- [ ] Prepare to have a farm plan in place by 1 January 2025 that covers management of on-farm greenhouse gas emissions.

Background

Agricultural climate change commitments

- New Zealand has signed up to the United Nations Paris Agreement which requires all participating countries to act on climate change. New Zealand's commitment is to reduce emissions to 30% below 2005 levels by 2030. This is known as our Nationally Determined Contribution (NDC).
- To meet our NDC, the New Zealand Climate Change Response ('Zero Carbon Act') Amendment Act (2019) was established which commits New Zealand to reducing carbon dioxide and nitrous oxide (long-lived gases) to net zero by 2050, while methane must reduce to 10% below 2017 levels by 2030, and then 24-47% below 2017 levels by 2050.
- To achieve these targets, the Zero Carbon Act uses emissions budgets, created by the Government, to provide stepping stones towards the 2050 targets. Each emissions budget covers a five-year period and provides a set quantity of emissions allowed during that period of time.
- The Zero Carbon Act established a Climate Change Commission (CCC) to advise the Government on those emissions budgets, and also requires the Government to have an Emissions Reduction Plan (ERP) that describes how New Zealand will meet the emissions budgets and make progress towards the 2050 targets. The CCC is required to monitor progress against the emissions budgets.
- The main tool in New Zealand for reducing greenhouse gas (GHG) emissions is the Emissions Trading Scheme (ETS) which puts a price on greenhouse gas emissions.
- Agriculture is the only industry currently excluded from the ETS and therefore the only industry that is not yet liable for its direct emissions. It is, however, still included in New Zealand's 2050 climate change targets, and a mechanism is therefore needed to achieve reductions.
- A partnership between Government, industry and Māori was established to develop this mechanism and is known as 'He Waka Eke Noa'. This partnership was tasked to design a practical, credible and effective system for reducing emissions at the farm level, as an alternative to agriculture entering the ETS in 2025.
- If He Waka Eke Noa cannot create such a system, then the Zero Carbon Act requirement for agriculture entering the ETS in 2025 was to apply.
- As at June 2024, Government announced the formal disestablishment of He Waka Eka Noa and the intention to amend the Zero Carbon Act to ensure agriculture does not enter the NZ ETS. The Climate Change Response (Emissions Trading Scheme Agricultural Obligations) Amendment Bill is currently before Parliament. Until such time, the provisions of the Act remain in place.

Agricultural greenhouse gases

- Methane (CH_4) and nitrous oxide (N_2O) are the two main agricultural greenhouse gases, with methane making up nearly three quarters of New Zealand's agricultural emissions.
- The primary source of agricultural methane is from ruminant digestive systems, and more specifically the microbes in the rumen known as methanogens. As feed is digested in the rumen, these microbes create gas as a by-product which is then belched into the atmosphere by the animal. The key driver of methane emissions is total dry matter eaten. A small amount of methane (<5%), however, also comes from dung and effluent systems.
- Nitrous oxide emissions occur from nitrogen added to the land as urine, dung and fertiliser. The nitrogen content of feed and the amount of nitrogen applied are therefore key drivers of nitrous oxide emissions and can be impacted by soil temperature and moisture conditions.
- Carbon dioxide (CO_2) emissions also occur from on-farm activities. Most of these are already accounted for under the Emissions Trading Scheme (e.g., fuel emissions) and so are not included in farm greenhouse gas emissions. The exception to this is the carbon dioxide released from dissolution of lime and urea applied to land, which must be measured and accounted for at the farm-level.
- Carbon dioxide is also captured on-farm in woody vegetation, and this can help reduce overall farm emissions liabilities. However, if woody vegetation is cleared or harvested then this will release carbon dioxide back into the atmosphere.
- Carbon dioxide can be stored in soils. Measuring soil carbon changes over time is, however, currently difficult with insufficient data available to model changes, and real-time measuring being cost-prohibitive at farm-scale. For this reason, soil carbon is not currently included in greenhouse gas modelling. In future, changes in soil carbon could be included if more research is undertaken to ensure estimates of changes were scientifically robust.
- Key methods of reducing net on-farm greenhouse gas emissions currently include:
  - **Methane: Reduce total dry matter eaten.**
    e.g., identify and cull less productive stock early, minimise stock losses and replacement rate, optimise pasture quality to reduce total dry matter demand, adjust stock policy.
  - **Nitrous oxide: Reduce the farm nitrogen surplus.**
    e.g., reduce total amount of nitrogen fertiliser applied, apply nitrogen only when needed, when soil moisture is sufficient and soil temperatures are above 6°c, reduce nitrogen content of feed eaten, use coated urea products.
  - **Carbon dioxide: Increase the area of indigenous or exotic trees to increase sequestration.**
    e.g., consider converting less productive land into indigenous or exotic forest, planting riparian setbacks, or planting erosion prone land.

Legislation

The Climate Change Response Act 2002 is the key piece of legislation to enforce action on greenhouse gas emissions. Within this Act, commitments directly relating to farm emissions reporting and farm plans are included within **Schedule 5 – Primary sector climate change commitments.**

These commitments reflect the milestones developed by the He Waka Eke Noa partnership.

The commitments relating to farm emissions reporting are:

- For 25% of farms in New Zealand, a person responsible for farm management holds a documented annual total of on-farm greenhouse gas emissions, by methods and definitions accepted by the He Waka Eke Noa Steering group, by 31 December 2021.
- For all farms in New Zealand, a person responsible for farm management holds a documented annual total of on-farm greenhouse gas emissions, by methods and definitions accepted by the He Waka Eke Noa Steering group, by 3**1 December 2022.**
- A pilot of a farm-level accounting and reporting system has been completed by **1 January 2024** across a range of farm types.
- A system for farm-level accounting and reporting of 2024 agricultural greenhouse gas emissions at farm level is in use by all farms by **1 January 2025**.

The commitments relating to farm planning are:

- Guidance is provided to farmers on how to measure and manage greenhouse gas emissions through farm planning by 1 January 2021.
- A quarter of farms have a written plan in place to measure and manage their greenhouse gas emissions by **1 January 2022.**
- All farms have a written plan in place to measure and manage their greenhouse gas emissions by **1 January 2025**.

Watch this space: Government announced on 11 June 2024 the disestablishment of He Waka Eke Noa and the intention to amend the Climate Change Response Act 2002 ('Zero Carbon Act') to ensure agriculture does not enter the NZ ETS. Until such time, the Act and its requirements remains in place.

How to meet the regulations

Farm emissions reporting – Know your number

Know your annual greenhouse gas emissions number by using an approved GHG calculator (see pg 2.10) to estimate annual on-farm GHG emissions.

Check with your processor if this has already been calculated and supplied to you. Currently, any of the approved calculators can be used to determine your GHG number. In future a single stand-alone calculator is likely to be required to ensure consistency in reporting. Data required to calculate your GHG emissions in the interim will include:

- Farm size (total and effective areas by land use type and slope);
- Livestock numbers by stock type (either as monthly values or a weighted average depending on tool used);
- Production data (e.g., milk solids, liveweight or crop yield);
- Product type, rate, application method and timing of nitrogen fertiliser and lime applications.

Additional data to support more detailed estimation:

- Livestock class, age, number, reproductive data and movements;
- Purchased feed;
- Effluent application data;
- Use of stand-off infrastructure including time spent by stock off-paddock;
- Cropping programmes including crop type, fertiliser applied, sowing, harvesting and grazing dates.

Note, it will be important to know the breakdown of short (methane) and long-lived gases (nitrous oxide and carbon dioxide) that make up your farm's total greenhouse gas emissions. These gases have differing atmospheric impacts which are reflected in targets set under the Zero Carbon Act. Methane, as a short-lived gas, will likely need to be reported in kgs of methane and may have a lower levy compared to nitrous oxide and carbon dioxide which will likely need to be reported in kgs of carbon dioxide equivalents (kg CO_2e).

Farm emissions reporting – Farm-level accounting and reporting

Under the Act, by 1 January 2025, farms would have needed to begin reporting and accounting for their emissions by paying a price on their annual emissions. The planned amendment to the Climate Change Response Act is, however, expected to remove this requirement.

Farm planning

Under the Act, by 1 January 2025 all farms would need to have had a written plan in place to manage their greenhouse gas emissions. While this requirement is now expected to be repealed, an emissions reduction plan would ideally include:

- Knowing your farm's greenhouse gas emissions (this is likely to be in a yet to be specified calculator to ensure consistency in reporting);
- Identifying opportunities to reduce your farm's greenhouse gas emissions and capture carbon;
- Choosing which actions you will implement in your system;
- Keeping records, monitoring and reviewing progress.

Sources for further information

NZ Legislation – Climate Change Response Act 2002

Primary sector climate change commitments provided in Schedule 5.

Ministry for Primary Industries

Visit website or email: info@mpi.govt.nz

Background on greenhouse gases and agriculture. Information on the emissions trading scheme, greenhouse gas research, targets and actions.

AgMatters

Information on national and international targets, calculating on-farm greenhouse gas emissions, and actions to reduce on-farm emissions.

Your Rural Professional

Industry Organisations

Industry specific information on agricultural greenhouse gas emissions.

- DairyNZ
- Beef & Lamb NZ

Tools & resources

Beef and Lamb NZ – Estimating your emissions costs factsheet

Provides examples on how to calculate your greenhouse gas emissions levy including worked examples using reports from the B&LNZ GHG Calculator, Overseer and FARMAX. Targets and actions.

GHG calculator providers & tools

The below tools can be used to help with on-farm decision-making and estimating greenhouse gas emissions prior to the introduction of any standardised farm-level accounting tool.

The level of information that is required will depend on the complexity of the individual model. For this reason, the resulting greenhouse gas emissions figure will vary between models.

Alltech's carbon footprint service 'E-CO2'
Proprietary model covering dairy, lamb, beef, poultry, pigs, dairy goats and can calculate forestry sequestration.

E2M (the Enviro-Economic Model)
Uses marginal cost/benefit relationships to drive farm economic optimisation and can be coupled with environmental modelling. Covers dairy and sheep and beef.

Fonterra Agricultural Inventory Model (AIM)
Uses the AIM model developed by Ministry for Primary Industries (MPI) which uses national average scale data and is adjusted using farm level information. Only available for Fonterra suppliers - automatically provided on receipt of Farm Dairy Records.

MfE spreadsheet calculator
Excel spreadsheet which calculates emissions from pastoral systems including horticulture and arable. Includes forestry sequestration.

OverseerFM
Models pastoral, horticultural, arable and mixed farm systems and includes forestry sequestration.

The NZ Merino Company – Made for Good RX
Emissions calculator available for use only by the company's suppliers. Calculates emissions and makes recommendations on potential areas to convert to forestry or allow to regenerate.

B+LNZ GHG calculator
Models sheep, beef and deer systems and includes forestry sequestration.

Farmax
Models greenhouse gas emissions from dairy, sheep and beef and deer systems within the restraints of input pasture growth rates, supplementary feed inputs and animal performance data. Includes forestry sequestration.

Horticulture NZ spreadsheet
Simple Excel spreadsheet developed by MPI to model nitrous oxide emissions for growers.

MyImprint Farm
Proprietary model covering sheep, beef, deer and dairy. Includes forestry sequestration.

FAR – ProductionWise
Developed by the Foundation of Arable Research and is suitable for arable systems.

Toitū Envirocare - emanage
Builds on OverseerFM greenhouse gas data to provide an ISO certifiable farm footprint.

Self-check: emissions reporting and farm plans

Actions to meet emissions reporting legislation

- ☐ Know and have available your annual greenhouse gas emissions number by **31 December 2022** by using an approved GHG calculator to estimate annual on-farm GHG emissions. Check with your processor if this has already been calculated and supplied to you.
    - ☐ Know and have available the split of annual methane, nitrous oxide and carbon dioxide emissions for your farm business.

Actions to meet farm plans legislation

The intent of He Waka Eke Noa was to add a greenhouse gas module to existing farm plans by **1 January 2025**. Alternatively, you could create a specific GHG emissions reduction plan.

- ☐ Prepare for farm planning:
    - ☐ Speak to your processor, industry body, regional council, fertiliser company, irrigation scheme provider or farm consultant to understand if a greenhouse gas module is being included in a farm plan that is already being provided to you.
    - ☐ Identify the sources of methane, nitrous oxide and carbon dioxide emissions from your farm.
    - ☐ Identify areas of trees on farm that are registered in the ETS or may be eligible.
    - ☐ Stay up-to-date with developments on greenhouse gas planning requirements by contacting your local rural professional or checking out the listed websites in the 'Further Information' section.

3

FARM REGULATION REFERENCE GUIDE

Biodiversity

Funded by Agriculture & Investment Services
Ministry for Primary Industries
Manatū Ahu Matua

perrin ag™
NEW ZEALAND AGRI-BUSINESS ADVISORS

Biodiversity

Learning outcomes

- Understand the importance of indigenous biodiversity to New Zealand.
- Understand the key regulations that govern management of indigenous biodiversity, including having an understanding of Significant Natural Areas (SNAs).
- Know where to find the full details on the relevant legislation, and other supporting information.
- Understand what changes your farm business might need to implement to comply with proposed indigenous biodiversity legislation, and regional rules governing vegetation management and removal.

Key compliance actions

- [ ] Prepare for indigenous biodiversity legislation to be made operational by checking whether any SNAs have been identified on your property.
- [ ] Stay up-to-date with developments on the release of the National Policy Statement for Indigenous Biodiversity by checking out the Ministry for the Environment webpage, contacting your district council or farm advisor.
- [ ] Before undertaking any activities that may disturb or require clearance of indigenous vegetation, check the rules in the Auckland Unitary Plan and, if farming in the Hauraki Gulf Islands, the Auckland Council District Plan - Hauraki Gulf Islands and ensure you can comply.

Background

» Indigenous biodiversity encompasses all of the living organisms that occur naturally in New Zealand, and the ecological habitats and ecosystems in which they are a part of. This includes mountain forests, regenerating bush, wetlands, native scrub and grasslands, and all native fauna and flora.

» Indigenous biodiversity plays many important roles in New Zealand:

- Iwi, hapū and whānau have special connections to their land and environment, in which indigenous biodiversity is central.
- New Zealand's economic success relies heavily on our natural environment which gives us a competitive advantage that underpins our key industries of tourism and primary production.
- New Zealand's economies and wellbeing are supported by the ecosystem services that our indigenous biodiversity supports including the provision of clean water, nutrient cycling, pollination and protection from flooding.

» To date, the Resource Management Act has been the key piece of legislation used to protect indigenous biodiversity. However, the provisions in the Act do not provide detailed direction to sufficiently protect indigenous biodiversity. As a result, indigenous biodiversity is in decline and some species have been identified as at risk of extinction.

» The government has therefore developed the National Policy Statement for Indigenous Biodiversity (NPSIB). The NPSIB directs councils to put detailed policies in place to identify, maintain and protect indigenous biodiversity and their ecosystems in both rural and urban areas.

» The NPSIB addresses te Tiriti o Waitangi (the Treaty of Waitangi) principles by providing flexible and locally developed approaches for Māori land. It recognises the role of tangata whenua as kaitiaki and requires councils to involve tangata whenua as partners in the management of indigenous biodiversity.

» Councils will have a role in implementing the NPSIB including through identification of Significant Natural Areas (SNAs), maintaining indigenous biodiversity outside of SNAs, developing processes to manage information on taonga species, and developing an approach to give effect to te Tiriti o Waitangi.

Watch this space: On 24 October 2024, Government put a three-year suspension on the requirement for district councils to notify new SNAs in their district plans while a review and amendment of the Resource Management Act is undertaken.

Legislation: National Policy Statement for Indigenous Biodiversity

The **National Policy Statement for Indigenous Biodiversity (NPSIB)** became operational in August 2023. The initial implementation, including development of guidance documents, processes, funding, mapping and the update or creation of regional biodiversity strategies will be phased in over ten years.

The NPSIB focuses on maintaining indigenous biodiversity. It does this by requiring district councils to identify and protect significant natural areas (SNAs) through their District Plans, and for regional councils to prepare a regional biodiversity strategy that promotes the landscape-scale restoration of the region's indigenous biodiversity.

Commentary is provided below on what an SNA is and how farming activities may be affected.

Significant Natural Areas (SNAs)

- An SNA is defined in the NPSIB as:
  - any area that, on the commencement date of the NPSIB, is identified in a policy statement or plan as an area of significant indigenous vegetation or significant habitat of indigenous fauna; and
  - any area that, after the commencement date, is notified or included in a district plan as an SNA following an assessment of that area in accordance with specified criteria.
- Councils will have to follow the ecological criteria set out in Appendix 1 of the NPSIB to identify new areas of SNAs which includes having the area assessed by suitably qualified ecologists and engaging with tangata whenua and landowners. The aim is to create a nation-wide, consistent approach for identifying SNAs.
- Existing farming activities (e.g., pasture renewal, grazing, vegetation clearance, etc.) within an SNA will be allowed to continue under the Resource Management Act 'existing use right'. This is provided there is no increase in the scale or intensity of the activity from the commencement date (August 2023) and does not result in the loss of extent of the SNA, or degradation of ecological integrity of an SNA.
- New activities (including existing activities increasing in scale or intensity) in and around an SNA will, however, require particular management where those activities will have adverse effects on the SNA and may require a resource consent. This may require pest control, fencing off, and exclusion of stock but will be determined on a case-by-case basis.
- Identification of SNAs does not enable or require public to have access to private land.

Areas outside of SNAs

- The NPSIB also requires regional councils to record areas outside of SNAs that are used by specified highly mobile fauna. This is highly mobile fauna that have been identified as threatened or at risk. Adverse effects of new activities on specified highly mobile fauna will need to be managed through the implementation of regional policies in order to maintain viable populations.

Legislation: Biodiversity regulation in Auckland

Regional Rules

» The Auckland region has been thoroughly mapped including the identification of many ecological and environmental areas. In Auckland, 'SNAs' are referred to as Significant Ecological Areas (SEAs). These are either terrestrial (SEA-T) or marine (SEA-M) and may have their own protected buffer zones.

» Significant Ecological Areas can be accessed through the Auckland Council's 'GeoMaps' tool:

- Open the Auckland GeoMaps tool by using the following link: https://unitaryplanmaps.aucklandcouncil.govt.nz/upviewer/
- Navigate to the list of legend items in the left-hand pane and select "*Unitary Plan – Management Layers*" by ticking the blue box to the left of the text. Then, click on the down arrow to the right of the text.
- Do the same for "*overlays*" (tick the blue box and then click on the down arrow).
- Check that "*Natural Resources*" is ticked, and then click again on the down arrow.
- The "*Significant Ecological Areas Overlay*" should automatically be ticked. If not, tick the blue box.
- You should now see the Significant Ecological Areas Overlay on the main map. Note, you may like to untick and tick again the overlay item so you can see which shading represents the overlay area. You can also untick other legend items to make viewing easier.

» An example is provided in Figure 1 showing various Overlays including the Significant Ecological Areas Overlay.

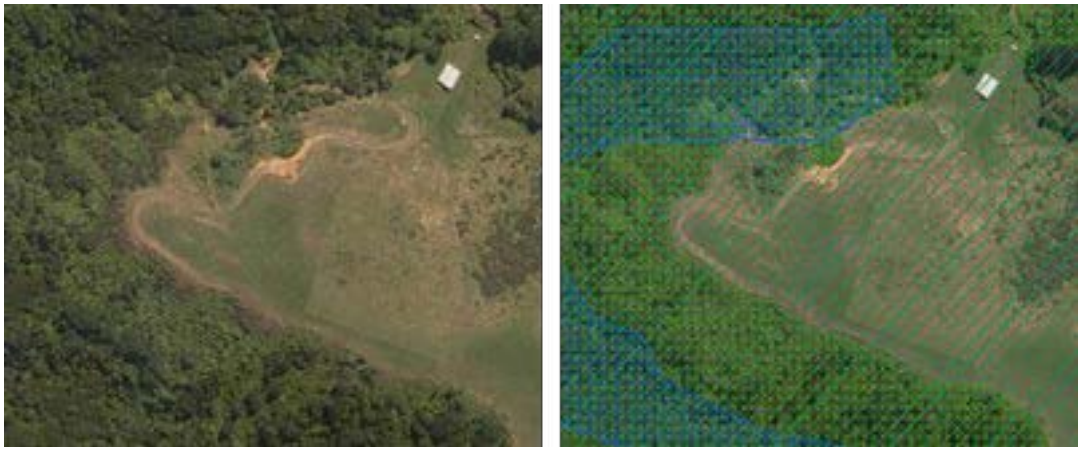


Figure 1: Satellite view of example location in Auckland GeoMaps tool (left) with specific overlays turned on in the right image. Overlays displayed include the Significant Ecological Areas Overlay (green crosses), Natural Stream Management Areas Overlay (blue dots), and Outstanding Natural Landscapes Overlay (green lines).

- Biodiversity rules in the Auckland Unitary Plan focus on vegetation management and are provided in Section E15. Rules cover a range of activities including biosecurity works, pest plant removal, dead wood removal, conservation planting, and the alteration or removal of vegetation whether for maintenance work, or for farming and forestry activities.
- Note, the alteration or removal of vegetation refers to damaging, cutting, destroying or removing any part of the vegetation including roots and crown pruning. It excludes vegetation planted as a crop or pasture. This definition infers that grazing of vegetation (excluding pasture and crops) would be considered as vegetation alteration or removal and should be considered when interpreting the rules.
- Vegetation management (alteration, removal, planting) is generally permitted outside of the following overlays.
  - Significant Ecological Areas (SEA) Overlay
  - Outstanding Natural Features (ONF) Overlay
  - Outstanding Natural Character (ONC) Overlay
  - Outstanding Natural Landscapes (ONL) Overlay
  - High Natural Character (HNC) Overlay
  - Wetland Management Areas Overlay
  - Natural Stream Management Areas Overlay
  - Natural Lake Management Areas Overlay
  - Urban Lake Management Areas Overlay
- Within the above overlays, additional rules and conditions apply. These tend to focus on the maximum volume and size of vegetation able to be removed and the distance from buildings, tracks and fences that vegetation can be removed from. For example, in an Outstanding Natural Features Overlay, vegetation removal cannot exceed 25 m^2 and cannot include anything over 6 m in height or 600 mm in girth.
- Note that the grazing of stock on indigenous vegetation within any of the overlays is likely to be considered the removal of vegetation and is therefore severely restricted so as to be impractical.
- In addition, any vegetation alteration or removal in or around waterbodies (wetlands, streams, lakes, rivers and tidal zones) is likely to require a consent.
- If you are considering undertaking any vegetation work (whether indigenous vegetation or not), it is recommended that you check the Auckland GeoMaps tool (as described above) or contact Auckland Council to identify whether any of the above overlays exist on your property, and the associated rules.

Hauraki Gulf Islands

» Specific vegetation management rules exist for the Hauraki Gulf Islands and can be found in the Auckland Council District Plan - Hauraki Gulf Islands Section. These rules are additional to the vegetation rules found in the Auckland Unitary Plan.

» The Hauraki Gulf Islands is split into various landforms such as alluvial flats, sand flats, productive land, wetland, regenerating slopes, and forest and bush amongst others. Each of these landforms have varying rules or conditions, so it is important to know which landform you are farming on if you are considering undertaking vegetation management. Identifying maps can be accessed from the Auckland Council website: https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/hgi-district-plan/hgi-district-plan-maps/Pages/default.aspx

Hauraki Gulf Islands planning maps

» Rules generally focus on the pruning and removal of indigenous vegetation and include height and volume limitations, and restrictions on how far back vegetation can be pruned from buildings, accessways and fencelines.

How to meet the regulations

There are steps that can be taken to help your farming business work within current legislation for biodiversity and vegetation management. These include:

» If you have a Significant Natural Area (SNA) on your property or farm near one, consider existing and future farming activities. Be aware if farming activities are changing (e.g., new activity, or scale/intensity of current activity is increasing), you may need to apply for a resource consent.

» If you operate an existing farming activity (e.g., pasture renewal, grazing, etc.) within a SNA do you have means of proving the activity has been occurring and that it is not degrading the SNA? Consider what recording systems you have, or could put in place, that could be used as evidence to support this. This might include photos, farm reporting, or farm plans for instance.

» Understand that any existing or new SNAs on your property may be assessed and verified by an ecologist.

» If you are considering undertaking any vegetation removal, alteration, or planting activities ensure you understand and can comply with the rules and conditions summarised in the regulation matrix in Table 1 – particularly if the vegetation is in an Overlay area:

- Significant Ecological Areas (SEA) Overlay
- Outstanding Natural Features (ONF) Overlay
- Outstanding Natural Character (ONC) Overlay
- Outstanding Natural Landscapes (ONL) Overlay
- High Natural Character (HNC) Overlay
- Wetland Management Areas Overlay
- Natural Stream Management Areas Overlay
- Natural Lake Management Areas Overlay
- Urban Lake Management Areas Overlay

» Overlay areas can be identified using the Auckland Council GeoMaps tool: https://unitaryplanmaps.aucklandcouncil.govt.nz/upviewer/

GeoMaps tool

» If you are farming in the Hauraki Gulf Islands, check which landform you are farming on and ensure you can comply with the rules and conditions summarised in the regulation matrix in Table 1.

Rules relating to biodiversity in the Auckland Region

Table 1: Regulation matrix providing a summary only of the rules relating to water takes. Refer to the relevant legislation or plan for complete details.

Agrichemicals	Regional
	Auckland Unitary Plan
General conditions	- All kauri material (including sawdust and woodchips) must be retained within three times the radius of the canopy drip line of the tree or disposed of to an approved landfill facility. - Erosion control measures for vegetation removal and replanting in floodplains (such as bark or mulch) must not be able to be swept off-site in a flood event. *AUP E15.6.A1, E15.6.8*
Biosecurity tree works	Permitted, provided general conditions met (see top). *AUP E15.4.1 (A1)*
Dead wood removal	Permitted, provided general conditions met (see top). *AUP E15.4.1 (A2)*
Vegetation pruning, alteration or removal for customary use	Permitted, provided general conditions met (see top), and: - no more than 50 m^2/year of vegetation is removed from an area (20 m^2 if in a SEA). *AUP E15.4.1 (A3), E15.6.2*
Emergency tree works	Permitted, provided general conditions met (see top). *AUP E15.4.1 (A4)*
Vegetation management for forestry and farming activities as existing at 30 Sept 2013	Permitted, provided general conditions met (see top). *AUP E15.4.1 (A5)*
Pest plant removal	Permitted, provided general conditions met (see top). *AUP E15.4.1 (A6)*
Conservation planting	Permitted, provided general conditions met (see top). *AUP E15.4.1 (A7)*
Tree trimming	Permitted, provided general conditions met (see top). *AUP E15.4.1 (A22A)*

If this section relates to your farming enterprise, it is important you familiarise yourself with the rules noted beneath each condition.

Sub-regional	
Auckland Unitary Plan - Overlay Areas only	**Auckland Council District Plan - Hauraki Gulf Islands**
- All kauri material (including sawdust and woodchips) must be retained within three times the radius of the canopy drip line of the tree or disposed of to an approved landfill facility. - Erosion control measures for vegetation removal and replanting in floodplains (such as bark or mulch) must not be able to be swept off-site in a flood event. *AUP E15.6.A1, E15.6.8*	<u>Pruning/removal or works within the dripline (e.g., excavation or construction work) of indigenous vegetation is permitted provided:</u> - works are within the vegetation dripline, - vegetation is less than 3 m in height, - vegetation is not in a coastal cliff, dune or wetland system, - the cumulative amount of vegetation cleared on a site does not exceed specified areas (see Table 10c.1 in the Hauraki Gulf Islands district plan for further detail). - the pruning/removal is for the purpose of removing dead or diseased wood. <u>Pruning/removal or works within the dripline (e.g., excavation or construction work) of indigenous vegetation on **Great Barrier** is permitted provided:</u> - indigenous vegetation is less than 3 m in height (except mānuka and kānuka which can be up to 6 m), - in the sand flats, alluvial flats, productive land, regenerating slopes, forest and bush landforms, pruning or removal of mānuka/kānuka of any height for domestic firewood harvesting is less than 10 m^3 in any calendar year, - pruning/removal within the dripline of kānuka/mānuka of any height is within 10 m of an existing habitable building. - pruning/removal and any works within the dripline of indigenous vegetation up to 3 m in height is within 1 m either side of an existing accessway. - in the alluvial flats and productive land landforms, pruning/removal and any works within the dripline of indigenous vegetation up to 3 m in height is within 1 m either side of an existing fenceline. Otherwise, consent required. *ACDP - HGI Section 10c.5.1, Table 10c.1*
Permitted, provided general conditions met (see top), and: *AUP E15.4.2 (A31)*	
Permitted, provided general conditions met (see top). *AUP E15.4.2 (A32)*	
Permitted, provided general conditions met (see top), and: - no more than 50 m^2/year of vegetation is removed from an area (20 m^2 if in a SEA). *AUP E15.4.2 (A34), E15.6.2*	
Permitted, provided general conditions met (see top). *AUP E15.4.2 (A33)*	
Permitted, provided general conditions met (see top). *AUP E15.4.2 (A35)*	
Permitted, provided general conditions met (see top). *AUP E15.4.2 (A36)*	
Permitted, provided general conditions met (see top), and: - planting must only be for ecological restoration purposes if planting in an SEA-T. - only indigenous species are used for ecological or landscape restoration if planting in the ONF, ONC, HNC or ONL Overlay. *AUP E15.4.2 (A37), E15.6.3*	
Permitted, provided general conditions met (see top), and in the SEA Overlay: - the max branch diameter must not exceed 50 mm, - no more than 10% of live growth is removed from the tree in any one calendar year, - trimming must meet the accepted arboricultural practice, - trimming must retain the natural shape and branch habit of the tree. *AUP E15.4.2 (A41), E15.6.9*	

Rules relating to biodiversity in the Auckland Region (cont.)

Table 1: Regulation matrix providing a summary only of the rules relating to water takes. Refer to the relevant legislation or plan for complete details.

Agrichemicals	Regional
	Auckland Unitary Plan
Vegetation alteration or removal for routine maintenance of existing tracks, lawns, gardens, fences, shelterbelts and other lawfully established activities	Permitted, provided general conditions met (see top), and: - the removal/alteration of vegetation is within 3 m of an existing building. *AUP E15.4.1 (A8)*
Vegetation alteration or removal in and around a waterbody	Consent required if it: - is within 20 m of any rural lake, - is within 10 m of any stream, - is within 20 m of a rural stream excluding the Rural Production Zone and Mixed Rural Zone, - is within 20 m of a natural wetland, - is in the bed of a river, stream or lake. *AUP E15.4.1 (A11 - A18)*
Vegetation alteration or removal in coastal areas	Permitted, provided general conditions met (see top), and: Within 50 m of the high tide line, consent required if: - removing more than 25 m^2 of indigenous vegetation, or - removing an indigenous tree over 3 m in height. Within 150 m of the high tide line, consent required if: - removing more than 25 m^2 of vegetation, or removing an indigenous tree more than 3 m in height and, - it is within 20 m of the top of a cliff that has a ground slope greater than 18 degrees. *AUP E15.4.1 (A20, A21, A22)*
Other vegetation alteration or removal	Permitted, provided general conditions met (see top), and: - no more than 250 m^2 of indigenous vegetation from each stand that existed on 30 Sept 2013 is removed/altered in any 10-year period. *AUP E15.4.1 (A10)*
All other vegetation activities not covered	Permitted provided general conditions met (see top), otherwise restricted discretionary consent required. *AUP E15.4.1 (A22A)*

*SEA = Singificant Ecological Area; ONF = Outstanding Natural Feature; ONC = Outstanding Natural Character; ONL = Outstanding Natural Landscape; HNC = High Natural Character.

Sub-regional	
Auckland Unitary Plan - Overlays areas only	
Permitted, provided general conditions met (see top), and: - if the building floor area is less than 100 m^2, removal/ alteration of vegetation cannot extend beyond 1 m of the building, - if the building floor area is greater than 100 m^2, removal/ alteration of vegetation cannot extend beyond 3 m of the building, If within an SEA and for the purpose of a building platform and access way for a dwelling, consent is required. *AUP E15.4.1 (A38, A39, A40, A29), E15.6.5*	Pruning/removal or works within the dripline (e.g., excavation or construction work) of indigenous vegetation is permitted provided: - works are within the vegetation dripline, - vegetation is less than 3 m in height, - vegetation is not in a coastal cliff, dune or wetland system, - the cumulative amount of vegetation cleared on a site does not exceed specified areas (see Table 10c.1 in the Hauraki Gulf Islands district plan for further detail). - the pruning/removal is for the purpose of removing dead or diseased wood. Pruning/removal or works within the dripline (e.g., excavation or construction work) of indigenous vegetation on **Great Barrier** is permitted provided: - indigenous vegetation is less than 3 m in height (except mānuka and kānuka which can be up to 6 m), - in the sand flats, alluvial flats, productive land, regenerating slopes, forest and bush landforms, pruning or removal of mānuka/kānuka of any height for domestic firewood harvesting is less than 10 m^3 in any calendar year, - pruning/removal within the dripline of kānuka/ mānuka of any height is within 10 m of an existing habitable building. - pruning/removal and any works within the dripline of indigenous vegetation up to 3 m in height is within 1 m either side of an existing accessway. - in the alluvial flats and productive land landforms, pruning/removal and any works within the dripline of indigenous vegetation up to 3 m in height is within 1 m either side of an existing fenceline. Otherwise, consent required. *ACDP - HGI Section 10c.5.1, Table 10c.1*
Consent required if it: - is in a Wetland Management Area Overlay, - is in a Natural Stream Management Area Overlay, - is within 50 m of a lake in a Natural Lake Management Area Overlay, *AUP E15.4.1 (A11 - A18)*	
Permitted, provided general conditions met (see top), and: Within 50 m of the high tide line, consent required if: - removing more than 25 m^2 of indigenous vegetation, or - removing an indigenous tree over 3 m in height. Within 150 m of the high tide line, consent required if: - removing more than 25 m^2 of vegetation, or removing an indigenous tree more than 3 m in height and, - it is within 20 m of the top of a cliff that has a ground slope greater than 18 degrees. *AUP E15.4.1 (A20, A21, A22)*	
Permitted provided general conditions met (see top), and: in an ONF: - no more than 25 m^2 is removed, - nothing over 6 m in height or 600 mm in girth is altered or removed. in an ONC, HNC or ONL: - no more than 50 m^2 is removed, - nothing over 6 m in height or 600 mm in girth is altered or removed. *AUP E15.4.2 (A25, A26, A27, A28), E15.6.6*	
Discretionary consent required. *AUP E15.4.2 (A24)*	

Sources for further information

Ministry for the Environment – National Policy Statement for Indigenous Biodiversity

Provides direction to councils on how indigenous biodiversity must be protected, maintained and restored. Criteria for determining whether an area qualifies as an SNA is provided in Appendix 1.

Ministry for the Environment – NPSIB Summary for the Farming Sector

Summary of the NPSIB focusing on the implications to the farming sector.

Auckland Council District Plan - Hauraki Gulf Islands Section

Part 10c: development controls for land units and settlement areas

Beef and Lamb NZ

Webpage containing information for farmers on how to improve biodiversity. Includes links to useful factsheets and support agencies.

Auckland Council Unitary Plan

Chapter E15 vegetation management and biodiversity.

Your trusted rural professional such as your farm advisor

Your local and regional council

Self-check: Biodiversity compliance

Actions to prepare to meet the implementation of the National Policy Statement for Indigenous Biodiversity (NPSIB):

- ☐ Check whether any existing SNAs have been identified on your property.
- ☐ If you have an SNA, consider the existing and future farming activities within the SNA and understand how you might be impacted.
- ☐ Consider what information you have available, or could start keeping, to prove existing activities are not increasing in scale or intensity or increasing the loss or damage to SNAs.
- ☐ Stay up-to-date with development of indigenous biodiversity legislation by contacting your district and regional council and checking out the listed resources in the 'Further Information' section.

Actions to meet regional rules:

- ☐ Before undertaking any activities that may disturb or require clearance of indigenous vegetation, check the rules in the Auckland Unitary Plan and ensure you can comply.
- ☐ If undertaking vegetation management work or work within areas of indigenous vegetation in the Hauraki Gulf Islands, check the rules in the Auckland Council District Plan - Hauraki Gulf Islands Section and ensure you can comply.

4

FARM REGULATION REFERENCE GUIDE

People

Funded by Agriculture & Investment Services
Ministry for Primary Industries
Manatū Ahu Matua

perrin ag™
NEW ZEALAND AGRI-BUSINESS ADVISORS

People

Learning outcomes

- Understand why regulation relating to people and employees exist.
- Understand the compliance requirements of the key Acts relating to people and employees within farm businesses.
- Know where to go to find further information on the relevant legislation, compliance obligations and supporting information.
- Understand what changes your farm business might need to implement to comply with legislation regarding health and safety, employment, and accommodation.

Key compliance actions

- [ ] Have an effective health and safety plan that is implemented on-farm.
- [ ] Keep staff employment records and have a valid employment agreement.
- [ ] Monitor staff hours and ensure minimum wage legislation is adhered to correctly.
- [ ] Ensure a tenancy agreement exists for on-farm accommodation.
- [ ] Ensure Healthy Homes Standards for farm accommodation are met.
- [ ] If employing migrant labour or RSE workers, follow the process laid out by Immigration NZ through either the Accredited Employer Work Visa scheme or RSE scheme.

Background

People are the biggest drivers of success in a business. Making sure the team, including yourself, are properly protected at work and at home, is a necessary investment to make.

Understanding obligations surrounding employment and tenancy agreements, as well as health and safety at work are all fundamental components of running a successful farming business.

» Health and safety: New Zealand has a tough record of accidents at work in the farming sector; while everyone has the opinion that it won't happen to them, there are measures that need to be put in place to make sure that everyone goes home safe from work each night. Minimum standards are described in the *Health and Safety at Work Act 2015.*

» Employment: When employing staff there are basic standards of employment practices that need to be undertaken to meet compliance, but adhering to good or best practice allows staff to perform at their best. When things don't go so well, there are also protocols to be followed in that space to ensure fair and effective dispute resolution.

  Alongside minimum standards to meet under t*he Employment Relations Act 2003,* the *Holidays Act 2000* outlines employee entitlements to annual leave, sick leave, parental leave and bereavement leave.

  Additionally, *the Minimum Wage Act 1983* requires that staff are paid a minimum wage as specified by the government. Hourly rate should be monitored on a fortnightly basis (or more frequently if pay periods are shorter) to ensure staff are not receiving less than the minimum wage in any given pay period.

  Farmers can also employ staff from overseas under the Immigration Act 2009. This will require compliance with the Accredited Employer Work Visa (AEWV) scheme or RSE scheme.

» Lower-order sharemilking: Where lower-order sharemilking arrangements are used on dairy farms, a specific agreement is required to protect the interests of the lower-order sharemilker and farm owner. More information and a copy of the required lower-order sharemilking agreement can be found in the *Sharemilking Agreements Act 1937*. The Act is specific to lower-order sharemilking (where the herd is provided by the farm owner), and does not apply to 50:50 sharemilking arrangements.

» Accommodation: If there is housing on farm that is provided to employees as part of the role, the farm owner and/or employer is the landlord. Housing provided by employers is regulated under the Service Tenancies rules which are underpinned by the *Residential Tenancies Act 1986*. Landlords are also required to ensure that accommodation meets Healthy Home Standards for a safe living environment.

Legislation

There are several key pieces of legislation that are relevant to people employed within farming businesses. Legislation covered in this module includes:

Health and Safety at Work Act 2015

The Health and Safety at Work Act 2015 was introduced because the existing Health and Safety rules in New Zealand were failing. The main themes of the Act are to proactively identify and manage risk to keep people healthy and happy at work. There are some key concepts in the Act that are important to be familiar with. These are detailed in Table 1.

Table 1: Description of the key terms and concepts used in the Health and Safety at Work Act 2015.

Term or concept	Description
Person Conducting a Business or Undertaking (PCBU)	"Business" refers to any activity carried out with the intention of making a profit or financial gain, while "undertaking" refers to any non-commercial activity. A PCBU includes self-employed people. The PCBU has a primary duty of care to ensure that the health and safety of workers and of other persons are not put at risk by its work activities. There can be more than one PCBU in a farming operation (e.g., a farm owner and contract milker) and neither PCBU can transfer or contract out of their duties or pass liability to another party.
Worker	Someone who carries out work for the PCBU, including contractors and contractors' employees. The worker must take responsibility for their own health and safety by utilising personal protective equipment (PPE) provided by the employer and abiding by Health and Safety regulations set by the organisation.
Workplace	A place where work is being carried out, including places where a worker is likely to go as part of their role
Notifiable Injury or Illness	An injury or illness that requires someone to have immediate treatment (other than first aid) or hospital admission. Includes any injury or illness that requires medical treatment within 48 hours of exposure to a substance, and any serious infection to which carrying out work is a significant contributing factor.
Notifiable Incident	An unplanned or uncontrolled incident in relation to a workplace that exposes someone to a serious health and safety risk arising from an immediate or imminent exposure to a hazard. Common examples within agriculture could include spillage, fire, electric shocks, falls, and vehicle or machine rollovers.

Employment Relations Act 2000

The purpose of the Employment Relations Act 2000 is to provide the legal backdrop for all relationships between employees and employers and promote a positive employment relationship through the concept of good faith and fair process.

The following pages provide a description on the key concepts in the Act that are important to be familiar with (Table 2) and the types of employment agreements that may be used (Table 3).

A flowchart with example scenarios is provided on page 4.11 to assist in determining the correct employment agreement.

Table 2: Description of key terms and concepts in the Employment Relations Act 2000.

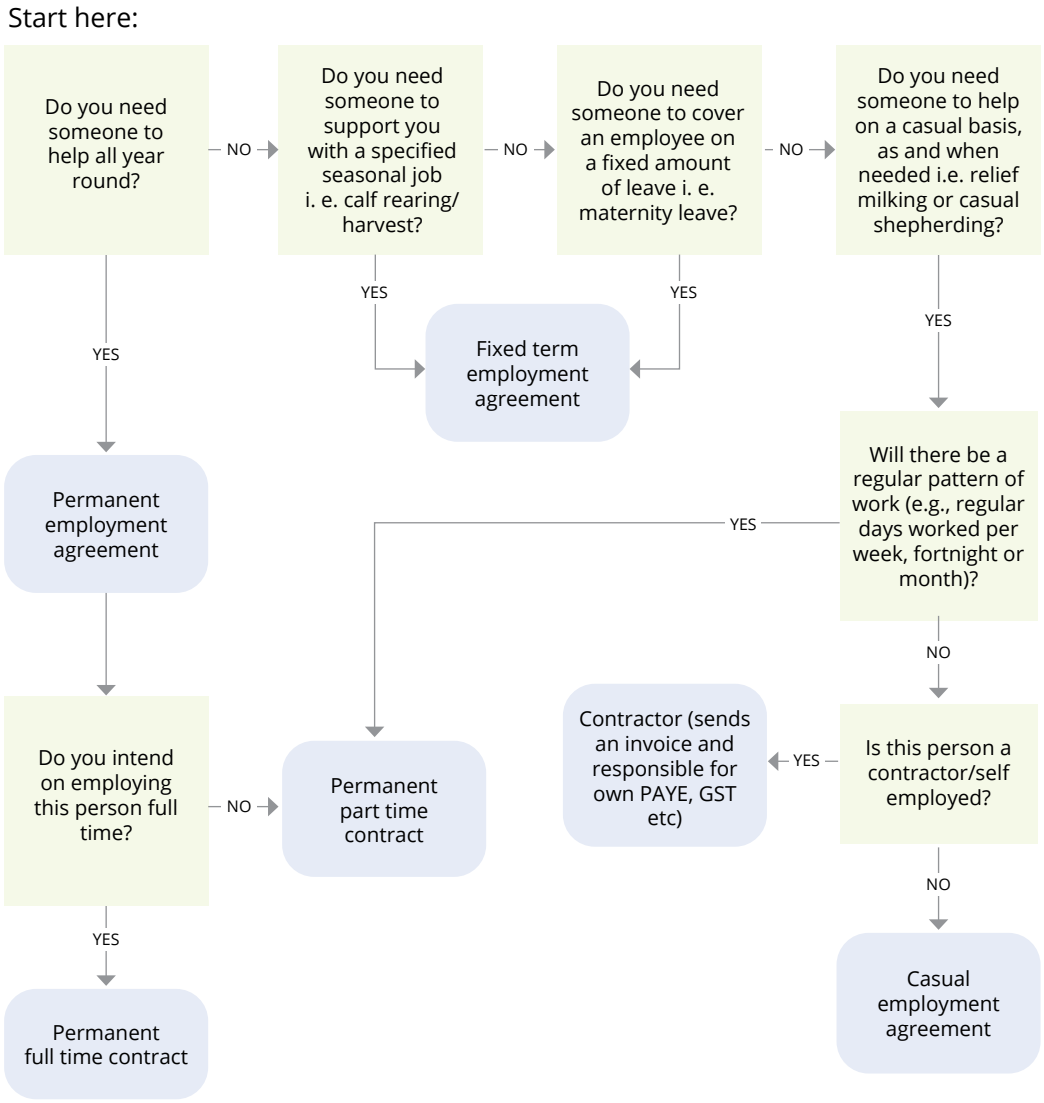
Term or concept	Description
Acting in good faith and undertaking fair process	Both the employer and employee conduct themselves at all times in a way that is truthful and will not mislead each other. Good faith requires employers and employees to act without hidden motives, raise issues in a fair and timely way, work constructively and positively together and provide each other with relevant information ahead of when it is needed and treat each other with respect.
Signed employment agreement	Employers must have an individual employment agreement for all staff; including casual employees who are not contractors. The employer must keep a copy of the individual employment agreement and maintain employee records, such as hours worked and time off taken. Individual employment agreements must, at a minimum, include the names of the employer and employee, place of work, job outline, remuneration and services available for dispute resolution. Be mindful that even if no individual employment contract is signed, the employee automatically falls under New Zealand employment law entitlements. It should also be noted that any clauses included in an employment agreement that are in breach of the Employment Relations Act cannot be legally enforced, even if the employee has signed the agreement.
Independent advice	Every employee is entitled to receiving independent advice on employment contracts and should be allowed a reasonable period to seek independent legal advice. Therefore, contracts should be available well before the planned start date of employment to allow employees a chance to review and sign an agreement before starting work.

90-day trial period	Employers can use a 90-day trial period when hiring new employees. An employer can dismiss an employee under this trial period without a personal grievance being brought up for unjustified dismissal (provided the appropriate notice period was given). A 90-day trial period can only be used if an employment agreement was signed prior to the employee starting work, and the employee has not worked for the employer before. The agreement must be treated in good faith and the employee under trial cannot be treated any differently to existing employees that are not on a trial period.
Agreed hours of work	Minimum guaranteed hours of work must be available to the employee each week. Hours of work must include the days of week upon which the hours are to be performed and the approximate start and finish times. An employee is entitled to refuse to perform work in addition to hours specified in the employment agreement if the agreement does not contain a provision for overtime.
Meal and rest breaks	There are specified meal and rest breaks that employees are entitled to depending on the amount of time they work in a day. For an 8-hour day, employees are entitled to two 10-minute paid breaks and one 30-minute unpaid rest break. For days longer than eight hours employees are entitled to further breaks of 10 minutes and beyond depending on the amount of overtime worked.
Dispute resolution	Disputes must be treated in good faith. If a dispute arises in the workplace, check the employment agreement and seek advice promptly to ensure due process is undertaken.

Table 3: Description of different types of employment agreements (note, there must be a separate individual employment agreement for every employee).

Employment type	Description
Permanent employment	The most common type of employment agreement where an employee is employed on a permanent basis with no specified end date to a contract. This could either be as a permanent part-time position, a permanent variable hours position, or as a permanent full-time position.
Casual employment	While not defined in legislation, casual agreements are often used for staff members that are employed on an as-needed basis. The casual employee can also turn down offers of work. There are also no guarantees for ongoing work. Holiday pay entitlements at a rate of 8% of gross earnings are included in the wage payments each pay period. If an employee is employed on a casual basis, but there is a regular pattern of work hours, even if not full time – they should be treated like a permanent part-time or full-time employee. Similarly, if they are employed on a short term or seasonal basis (e.g., calf or lamb rearing), and there is a regular pattern of work hours, they should be treated like a fixed term (not casual) employee.
Fixed term employment	A fixed term agreement specifies when the employment will end – either a specific date, or when a certain event has occurred. Holiday pay entitlements at a rate of 8% of gross earnings are included in the wage payments each pay period. A genuine reason must exist for using a fixed term employment agreement that relates to seasonal (e.g., calving) or clearly defined (e.g., parental leave cover) requirement for staff. A business cannot have a fixed term agreement without sound justification. Reasons are not genuine if they are there to limit the rights and eligibility to the Holidays Act for the employee, or if the fixed term period is to establish if a staff member is suitable for permanent employment.

Flowchart for determining the correct employment agreement.



Scenario (dairy):
You're going to need some help with calf rearing over August to September, and there may be some ongoing relief milking work to continue with for the rest of the year, but it won't be on a regular basis. You've found someone happy with that arrangement; what employment agreement should you choose?

Scenario (sheep and beef):
You're thinking about employing someone over the busy summer period to help with jobs like drenching lambs, calf marking, silage/hay and weed control. Over this period of time you could have at least 40 hours a weeks' worth of work. What employment agreement would you use?

(Dairy answer: fixed term for the calf rearing period and then transfer to casual agreement. Sheep and beef answer: fixed term agreement)

Employing migrant labour under the Accredited Employer Work Visa (AEVW) scheme

An employer must apply for accreditation under the AEWV scheme to employ migrant labour. Once accreditation is granted, if a job advertisement meets the right criteria, and you can demonstrate that there are no suitable New Zealanders for the role after advertising the role for at least two weeks, you can then apply to Immigration New Zealand for a 'job check'. Once granted, a job check remains valid for six months, and in that period if you have a suitable migrant apply you can make them a job offer and start the process for an accredited employer work visa application.

A description of some of the key terms in the AEWV scheme is provided in Table 4.

Table 4: Description of key terms under the Accredited Employer Work Visa scheme. For more information, please visit the Immigration NZ website.

Term	Description
Accredited employer (standard)	Employs no more than 5 migrants at any one time. To apply, businesses must have an NZBN, be registered as an employer with IRD and must prove their business viability. Examples of ways to prove this include: » Not making a financial loss over the last 2 years; » Have a positive cash flow for the last 6 months; » Capital or external investment to remain viable; » Credible 2-year plan (e.g., revenue forecast or cashflow projection). Businesses must comply with New Zealand immigration law, employment and business standards. Initial accreditations are renewed after 12 months, then every 24 months thereafter.
Job check	Completed by Immigration NZ to ensure that the job is suitable for migrant workers and that there are no New Zealanders available to complete the job. The job advertisement must run on credible recruitment platforms for at least two weeks, and is checked for sufficient detail about the role, pay, hours, skills and experience required.
Accredited Employer Work Visa (AEWV)	The visa is for a length of stay of up to a maximum of five years and allows those approved to work for an accredited employer for at least 30 hours per week. The visa is only relevant to the accredited employer that the migrant applied with. If the migrant worker changes employment, a variation to the conditions of the visa or a new visa will be required.
Wage rate	As of 10 March 2024, employers recruiting migrants under the AEWV scheme need to ensure that the job offered will pay at least the adult minimum wage and meet the market rate for the job advertised. The market rate is likely to be impacted by the experience and qualifications required, and the location of the job.

Employing recognised seasonal employer (RSE) labour

The RSE scheme has been in place since 2007 allowing employers within the horticulture and viticulture industries to recruit labour from overseas, and predominantly from the Pacific, for seasonal work in New Zealand. The RSE scheme is available to businesses who foresee a seasonal labour shortage for work in planting, maintaining, harvesting or packing crops.

Table 5: Description of key concepts under the Recognised Seasonal Employer (RSE) scheme.

Term or concept	Description
Key RSE scheme criteria	Employers must meet the following key criteria to employ workers under the RSE scheme: • The employee must work in your horticulture or viticulture business, • The employee must plant, maintain, harvest or pack crops, • The employee must be from eligible Pacific countries (some exceptions apply).
Eligible countries	RSE workers can only be hired from eligible Pacific countries (unless the employer can meet specific exemption criteria). Eligible countries include: • Fiji • Kiribati • Nauru • Papua New Guinea • Samoa • Solomon Islands • Tonga • Tuvalu • Vanuatu
RSE cap	An annual cap is set by Government on the number of workers able to be employed by the scheme in each season. Regional allocations are then set by Immigration NZ and the Ministry of Social Development. For the 2024/25 season, the total annual cap was 20,750 workers.
Employee requirements	Workers employed under the RSE scheme can work in NZ for up to 7 months during any 11-month period, except workers from Tuvalu and Kiribati who can stay for up to 9 months. All workers must: • meet specific health and character requirements, • provide evidence of arrangements to leave NZ at the end of their visa.

Employer obligations	Employers wishing to hire RSE labour must: • apply to Immigration NZ to receive RSE status. This will include providing evidence that the employer is in a sound financial position and has good workplace and human resources (HR) practices. Employers will also need to show they are committed to recruiting and training New Zealanders to work in the industry, • apply for an Agreement to Recruit (ATR), • provide minimum remuneration for 30 hours a week (averaged over 4 weeks), regardless of availability of work and pay deduction requirements, • for first or second season RSE workers pay the market rate for the job and at least minimum wage, • for third or subsequent season RSE workers, pay at least 10% above the minimum wage, • provide an employment agreement that specifies hourly rate, piece rates that apply, minimum remuneration requirements, and that the employer will pay for half the return airfare (except for workers from Tuvalu and Kiribati), • ensure the welfare and pastoral care needs of RSE workers are met.
Employee accommodation	Employers must provide workers under the RSE scheme safe and suitable accommodation and on-site facilities. Employers are expected to pay fair rent, power and other living costs associated with their accommodation.

Minimum Wage Act 1983

The Minimum Wage Act 1983 specifies that no workers may be paid less than the minimum wage rate published on the Employment NZ website.

As of 1 April 2025, minimum wage rates are:

- $23.50 per hour for an adult.
- $18.80 per hour for a training or starting out wage.

Current and historic minimum wage rates can be found on the Ministry for Business, Innovation and Employment (MBIE) website.

A starting out wage is only relevant to someone who has not yet completed six months of continuous employment. After six months in the workforce, they are entitled to the adult minimum wage rate.

A training wage rate is relevant to someone who is 20 years or over and involved in an industry training programme, such as an apprenticeship, and must be achieving at least 60 credits per year towards the given qualification.

The Act also specifies that where both parties agree, any employment arrangement can have more than 40 hours in a contract. However, any work completed by the employee must never dip below the current minimum wage rate. For example, in an agreement with a 50-hour working week; the employee's salary must be increased accordingly to ensure they are never paid below the minimum wage rate.

Hours and wage rate should be monitored on a fortnightly basis (or less if the pay period is shorter). If the gross salary for that fortnight or pay period is less than the minimum wage, then the employee must be topped up to meet the minimum wage (see example on page 4.12).

Note, gross salary can be made up of base salary plus accommodation allowance. For example, a $65,000 p/a gross salary could reflect a base salary of $52,000 plus accommodation allowance of $13,000 ($250/week).

Calculating minimum wage

Minimum Wage Calculation

- If you employ a staff member with a $65,000 p/a ($2,500 per fortnight) gross salary (cash and accommodation), their gross hourly pay based off a 45-hour working week is $27.77/hr.
- Minimum wage in New Zealand is $23.50/hr (as at 1 April 2025).
- To meet minimum wage requirements, the employee on a $65k gross salary cannot work more than 53 hours per week without being paid overtime or having a pay rise.

How to work this out ?

- Note, this exercise is run assuming the pay period is fortnightly. Adjust accordingly for more frequent (e.g., weekly) pay periods. Longer pay periods still need to be calculated on a minimum fortnightly basis.

Contracted hourly rate:

$$\frac{\text{gross fortnightly salary (\$)}}{\text{fortnightly hours stated in contract (hr)}}$$

Actual hourly rate:

$$\frac{\text{gross fortnightly salary (\$)}}{\text{fortnightly hours actually worked (hr)}}$$

For example, if an employee on $65,000 p/a ($2,500 per fortnight) were to work 120 hours in a fortnight without overtime compensation, then their actual hourly rate would be $20.83/hr which is below minimum wage. Therefore, a top up must be made of at least $2.67/hr for each hour worked ($320.40 total) to bring the hourly wage rate back to at least minimum wage.

Keeping records of hours worked is the responsibility of the employer. Having a system implemented with staff through timesheets or a payroll app is an effective method for managing hours worked and tracking hourly rates, alongside other leave and holiday entitlements.

Holidays Act 2003

The Holidays Act 2003 was implemented to ensure that employees can access paid holidays and leave. The types of leave entitlements available are described in Table 4.

Under the Act, the employer must keep records of each employees leave and holidays, including current holidays owing and sick leave available. This information can be kept as part of the wages and time records required under the Employment Relations Act.

Table 4: Description of leave type and entitlement for New Zealand employees.

Leave type	Description	Paid Entitlement*
Annual leave	Minimum entitlements are specified in the Act, but the employer can enhance or add entitlements as they see fit. Additionally, leave entitlements on a roster other than the typical 7 day rosters (i.e, 6 on/2 off) require calculations to determine annual leave entitlements.	Four weeks after 12 months consecutive work
Public holidays	Employees are entitled to public holiday leave each year. If a public holiday falls on an employees' typical working day, they are entitled to have a paid day of leave. Where the employee agrees to work on a public holiday, they are entitled to being paid time and a half for the hours worked and receive a day in lieu added to the annual holiday allowance.	12 days
Sick leave	Sick leave entitlements are available if an employee is sick or injured, if their spouse/ partner is sick or injured and/or if someone who depends on them for care is sick or injured. If the person is away for three consecutive working days or greater, the employer can request proof of sickness or injury, at the employee's own cost. Requesting proof for less than three days is allowed but comes at the employer's cost.	10 days per year after six months employment. May be carried over if unused. Maximum of 20 days able to be accumulated.
Bereavement leave	Bereavement leave gives employees time to grieve and take care of matters related to the bereavement. Immediate family, including grandparents and miscarriages and stillbirths trigger three days of automatic bereavement leave. This does not need to be taken immediately following the bereavement or on consecutive days.	1-3 days per bereavement, depending on the employee's relationship with the bereaved. Available after six months employment.
Other leave	Other leave types exist, including parental leave, family violence leave, garden leave, stress leave, leave without pay, and leave following natural disasters. Check the Holidays Act for explanations and entitlements for these leave types.	

Sharemilking Agreements Act 1937

The Sharemilking Agreements Act came into legal effect in 1937. The Act regulates the relationship between dairy farm owners and lower order sharemilkers. It does not apply to 50:50 sharemilking arrangements. The agreement covers the sharemilker's rights and responsibilities, terms of the milk share, payment arrangements and duration of the agreement.

The purpose of the agreement is to protect the interests of both the farm owner and the lower-order sharemilker and ensure the sharemilker is fairly compensated for their work.

The specific information that must be included in a lower-order sharemilking agreement is set out in the Sharemilking Agreements Order 2011. As a piece of a secondary legislation, any lower-order sharemilking agreement must, at a minimum, include all clauses set out in the Order and the terms and conditions cannot be less favourable than that provided in the Order.

Residential Tenancies Act 1986 (Service Tenancies)

A service tenancy is where accommodation is provided to an employee to live in during their employment, regardless of whether rent is 'paid' or included in wages.

Houses provided as part of a role must still receive market rental for tax purposes. Service tenancies are covered under the Residential Tenancies Act (1986) with most of the standard rules applying. The key differences between a standard and service tenancy are:

1. Rent can be deducted from the tenant's wages if the tenant agrees, and it forms part of the employment contract or it complies with employment law.

2. Service tenancies normally end when the tenant's employment or engagement ends or is transferred. A landlord can only give notice to end a service tenancy if the employment has ended or is due to end. This requires at least 14 days' written notice. Please note, if an employee is terminated, it is not assumed that notice has been served on the service tenancy – this must be explicitly stated in writing in (or alongside) any employment termination. Tenants can give 28 days' notice to end a service tenancy despite continuing with employment.

3. The employer can issue less than 14 days' notice to vacate if:

    - Accommodation was required for the continuation of the business and there are no other accommodations available on farm; or
    - The employer believes on reasonable grounds that the tenant will cause substantial damage to the property if they are permitted to remain in the accommodation for 14 days.

Employers are required to maintain a tenancy agreement with the employee. The tenancy agreement can be part of the employment agreement, but it is better if it is separate.

Additionally, a farm owner could have an agreement with someone involved in a contract where the accommodation is included as part of the farm infrastructure (i.e., sharemilking or contract milking agreements) to specify the standard at which homes are to be maintained.

If you are providing accommodation for your employees to live in; you are the landlord and are responsible for the condition of the housing that is being provided. This includes sharemilkers and contract milkers who may not own the houses but do employ the staff and are therefore responsible for house inspections and maintenance. However, capital requirements on the houses provided are the responsibility of the property owner.

A bond can be included as part of the service tenancy agreement which cannot be more than the value of four weeks of the market rent. When bonds are included in service tenancy agreements, they must be lodged with the Ministry for Business, Innovation and Employment (MBIE) within 23 working days of receiving the bond.

Tax implications with providing accommodation:

- Accommodation, provided by an employer to the employee, is treated as taxable income under New Zealand tax law. Therefore, the provision of accommodation is subject to income tax (not fringe benefit tax).
- The amount of taxable income related to the accommodation is the market rental value of the employee accommodation.
- The employer includes the market value of the accommodation in the salary and the cost of rental is automatically deducted before the salary payment reaches the employees' account.
- In a service tenancy agreement, or as part of the employment agreement, details surrounding the accommodation must be included. These are:
  - The market value of the accommodation.
  - Provision for adjustment of market value after 12 months of the tenancy, and not within 12 months of any previous increase.
  - The address of the property subject to the tenancy.
  - The address for service for each party (which can be the address of the property subject to the tenancy in the case of the employee).

Residential Tenancies (Healthy Homes Standards) Regulations 2019

- The Healthy Homes Standards commenced in July 2019 to address issues with cold, dampness, drainage and draughts in rental properties. Homes must comply with regulations as of July 2020. Houses can be inspected and be provided with a Healthy Homes Certificate of Compliance by an accredited certifier.
- All private rentals must comply with Healthy Home Standards by 1 July 2025, or within 120 days after the tenancy agreement was signed for any new tenancies after 28 August 2022.
- A summary of the Healthy Homes Standards is provided in Table 5.

Table 5: Summary of Healthy Homes Standards.

Term or concept	Description
Heating	A functional, fixed form of heating in the living room that can heat the area to at least 18°C.
Insulation	Ceiling and underfloor insulation that must either meet the 2008 Building Code, or (for existing ceiling insulation) have a minimum thickness of 120mm and be in reasonable condition.
Ventilation	Openable windows in the living room, dining room, kitchen and bedrooms. Rooms with a bath or shower or indoor cooktop must have an appropriately sized extractor fan.
Drainage	Efficient drainage, guttering, downpipes and drains.
Moisture ingress	Ground moisture barrier needs to be installed where appropriate.
Draught stopping	Gaps in walls, ceilings, windows, floors and doors that cause noticeable draughts must be blocked. This includes all unused chimneys and fireplaces.

How to meet the regulations

Health and Safety at Work Act

With the Health and Safety Act, compliance is achieved by setting up the work environment to be as safe as possible and ensuring adequate reporting and recording of incidents is undertaken.

Examples of what this should include are:

- Providing your staff with the equipment and workwear, known as personal protective equipment (PPE), they need to get jobs done safely (e.g., helmets on side by sides and motorbikes, face masks, gloves and overalls for chemical spraying).

- Implementing an induction and sign in process on farm for staff, visitors and contractors to identify hazards and understand risk management on the property.
- Keeping vehicles and machinery serviced and maintained, and ensuring staff are trained and capable in their use.

- Creating plans that identify hazards on farm, and ways that risks can be avoided, minimised or mitigated.
- Monitoring the health of workers and workplace conditions to prevent illness and injury.

- Storing chemicals and fuel safely and securely, and maintaining an easily accessible chemical register with safety data sheets.
- Creating standard operating procedures (SOPs) to illustrate how certain actions may be completed safely.
- Informing staff of how they might deal with incidents, injuries or illnesses that arise.

- Keeping records of any near misses, incidents, injuries and illnesses whether notifiable or not.
- Having procedures for dealing with workplace emergencies.

Check out the WorkSafe website for further ways to ensure the health and safety of people on farm, and comply with the Health and Safety at Work Act.

Employment Relations Act, Minimum Wage Act and Holidays Act

Key ways to achieve compliance with the Employment Act, Minimum Wage Act and Holidays Act include:

- Identify what type of employment agreement you need to have with a staff member.
- Keep records of all employment agreements, time and wage records and holiday entitlements. Asking employees to fill in timesheets or use a payroll app is one way to facilitate good practice record keeping and also supports with tax obligations.
- Monitor minimum wage rate calculations to ensure employees do not dip below an hourly minimum wage rate on a fortnightly basis (or more frequently if the pay period is shorter) and include top ups where necessary.
- Ensure that staff are provided with opportunities for paid leave and if required to work on a public holiday are compensated with time and a half for at least the hours worked, and a full day in lieu.

If you are considering employing migrant labour:

- Apply to become an accredited employer through the Accredited Employer Work Visa (AEWV) scheme.
- Test the market for New Zealand workers by advertising on reputable recruitment platforms for at least two weeks.
- Meet minimum job advertisement criteria including:
  - job title,
  - a description of the key tasks and responsibilities of the role,
  - minimum and maximum rates of pay (salary or hourly rate),
  - minimum guaranteed hours of work,
  - location of the job,
  - minimum qualifications, work experience, skills or other specification for the job.
- Apply to Immigration NZ for a 'job check' (after you have tested the market).
- Check if a migrant applicant is entitled to work in New Zealand by searching documents online or using VisaView through Immigration NZ.
- Maintain time and wage records and ensure that business and employment compliance is up to date.
- Migrant workers receive at least the median New Zealand wage for every hour worked.
- Migrants are treated equally to NZ citizens or residents and receive all minimum entitlements as legislated in the Employment Relations Act.

If you are considering employing RSE workers:

» Apply (or reapply) for recognised seasonal employer (RSE) status
  - The employer must apply to the Inland Revenue Department to receive RSE status. Once granted, the status remains valid for two years. A further application must be made prior to the end of this period to maintain the status. Subsequent approved applications can be granted for up to three years.

» Apply for an Agreement to Recruit (ATR)
  - Once RSE status is received, the employer must apply for an agreement to recruit workers from offshore. This agreement is known as an 'Agreement to Recruit (ATR)' and is valid for one season.

» Recruitment and hiring process
  - Once an ATR is approved, the overseas recruitment and hiring process can begin. Recruitment can either be done by travelling directly to the country and hiring workers yourself, or by using a recruitment agency based in the country.
  - Prospective employees are provided an employment agreement which links to the ATR and must meet specific criteria.
  - The prospective worker can then apply for a visa. This visa is valid for a maximum of seven months in any 11-month period (exceptions apply for workers in Tuvalu or Kiribati).

» Approved RSE workers can travel to NZ and work for a specified period.
  - Once the workers' visa is approved, they can travel to NZ to work for the specified period.

The RSE worker may be able to return to New Zealand for following seasons if certain conditions are met, and they have complied with all immigration requirements, there continues to be a labour shortage, and a new ATR is obtained.

Sharemilking Agreements Act

Compliance with the Sharemilking Agreements Act requires that a valid contract is in place between the farm owner and lower-order sharemilker that complies with the terms and conditions set out in the Sharemilking Agreements Order 2011 and is signed by both parties.

» If using a lower-order sharemilking agreement that has been provided by an organisation, check that it has been prepared in accordance with the Order.

Service Tenancies and Healthy Homes Standards

Employer provided accommodation needs to be maintained to a suitable standard.

» Specify how rent will be accounted for and provide the market value rental for the house. Resources online can help with advice on how to determine the market value rental of a rural property.
Check out: https://www.tenancy.govt.nz/rent-bond-and-bills/market-rent/

» Have a tenancy agreement that specifies who the house is for and who is allowed to live in it, whether pets are allowed inside or not, any bond that will be lodged for the duration of the tenancy and a moving in checklist to highlight any issues and set a standard for when the tenancy ends.

» Inform who is expected to complete maintenance around the house (e.g., lawns and gardens) and to what standard they are to be maintained.

» Ask a certifier to complete a Healthy Homes inspection on all accommodation provided. This will show whether any aspects of the house require upgrades to meet the standards and once complete provides a record to show prospective staff.

» Consider testing for methamphetamine between tenancies.

» Complete regular house inspections to ensure the house is being maintained to the required standard. This may also be a requirement of your insurance policy and may need to be done at specified time intervals.

» Be prepared to complete any maintenance or capital work required to keep the homes in a reasonable standard for living.

Sources for further information

NZ Legislation

All NZ legislation including the Health & Safety at Work Act 2015, Employment Relations Act 2000, Immigration Act 2009, Minimum Wage Act 1983, Holidays Act 2003, Sharemilking Agreements Act 1937, Residential Tenancies Act (Service Tenancies) 1986, and the Residential Tenancies (Healthy Homes Standards) Regulations 2019.

Worksafe – Agriculture

Comprehensive health and safety information including guidance, tool kits, how to manage vehicles on farm, working with animals, noise management and has helpful case studies with ideas on how to easily implement health and safety practices on farm.

Worksafe – Managing Health and Safety: A guide for farmers

Practical guidelines for farm health & safety.

Employment New Zealand – Minimum wage rates

Provides current minimum wage rates and is updated regularly.

Employment New Zealand – Agricultural industry

Provides further details on minimum wage requirements and how to account for accommodation in an employee's salary or wages.

Business NZ – Accommodation for workers

Information on what you need to know if providing accommodation to workers.

Tenancy NZ – About the Healthy Homes Standards

Describes details of the Healthy Homes Standards and timelines associated with implementation of the standards in private rentals.

Immigration NZ

Information on employing migrant labour including visa options, accreditation, legal responsibilities, job advert guides & videos.

Immigration NZ

Provides an overview of the RSE scheme as well as updates, requirements for employers and employees, application forms and guides.

HortNZ

Overview of the RSE scheme and links to forms, resources and regional RSE contacts.

Your trusted rural professional such as your HR advisor or farm consultant.

Immigration NZ - Employer line

The employer line can be called for help with the AEWV scheme, accreditation and job checks.
Phone: 0508 967 569

Tools and resources

Beef and Lamb NZ – Farm safety management plan

Comprehensive template that can be filled out online, allowing you to consider all aspects of the farm system and where risks to Health and Safety may pop up.

DairyNZ – Health and Safety Resources

Provides useful resources that can contribute towards planning and record keeping on farm.

DairyNZ – Employment

Provides several resources on employing staff and how to manage employment relationships.

Dairy NZ – Holidays, leave and breaks

Provides information on leave types, and resources/calculators to manage leave entitlements.

Beef and Lamb NZ – Knowledge Hub: Staff resources

The Beef and Lamb NZ knowledge hub has a number of staff resources available for staff planning and employment as well as how to look after and get the best out of staff.

MBIE - Employment Agreement Builder

Online tool to create tailored employment agreements for staff that covers what must be included by law, and provides common mistakes and how to avoid them. The tool takes about 30 minutes to complete and once finished provides the completed agreement, sample offer of letter, summary of tips and a to-do list.

Immigration NZ

Access to the online portals for the AEWV (migrant labour) and RSE (Pacific horticulture/ viticulture labour) scheme.

Federated Farmers - Contracts and agreements.

Contracts and agreements developed with input from the farming industry and legal advisors. Able to be purchased as either physical or digital copies.

Self-check: health and safety, employment, lower-order sharemilking & accommodation compliance

Actions to meet health and safety legislation

Examples of actions to meet farm H&S legislation. For full details please visit WorkSafe.govt.nz

- ☐ Identify hazards on farm, inform staff and identify ways to minimise, mitigate or eliminate the risks associated with the hazards.
- ☐ Record and report all near misses, minor and major incidents which contribute to health and safety on farm.
- ☐ Provide staff with adequate PPE and training relevant to operations on farm.
- ☐ Store all fuel and chemicals appropriately, and ensure safety data sheets are maintained and kept in an accessible location.
- ☐ Implement a method in which to induct contractors and visitors on farm which records sign in and out time and informs of hazards.

Actions to meet employment legislation

- ☐ Maintain records of employee's hours worked and holiday and leave entitlements.
- ☐ Have a signed employment agreement for every employee which specifies the following:
  - ☐ Names of the employer and employee;
  - ☐ A description of the work to be performed;
  - ☐ Place of work;
  - ☐ Expected hours and days at work and any provisions for overtime;
  - ☐ Rate of pay;
  - ☐ Dispute resolution process.
- ☐ Monitor hours worked each pay period and ensure the salary paid meets the minimum wage.
- ☐ If employing migrant labour, follow the process laid out by Immigration NZ to hire a migrant through the Accredited Employer Work Visa scheme.
- ☐ If employing RSE workers, follow the process laid out by Immigration NZ to hire a worker through the RSE scheme.

Actions to meet lower-order sharemilking legislation

- ☐ Where a lower-order sharemilking arrangement is used, ensure the agreement between the farm owner and sharemilker includes the terms and conditions set out in the Sharemilkers Agreement Order 2011.
- ☐ Ensure the agreement is signed by both parties.

Actions to meet accommodation legislation

- ☐ Have a tenancy agreement with employees.
- ☐ Get homes assessed for Healthy Homes Standards compliance, and make upgrades as required.

5

FARM REGULATION REFERENCE GUIDE

Animal Welfare

Funded by Agriculture & Investment Services
Ministry for Primary Industries
Manatū Ahu Matua

perrin ag™
NEW ZEALAND AGRI-BUSINESS ADVISORS

Animal Welfare

Learning outcomes

- Understand the importance of animal welfare and what is required to ensure the care and protection of animals in New Zealand.
- Know the compliance requirements related to animal welfare.
- Understand the differences between the Animal Welfare Act, Regulations and Codes of Welfare including where obligations are enforceable, minimum standards are to be met or actions are recommended as best practice.
- Know where to find the full details on the relevant legislation, and other supporting information.
- Understand what gaps your farm business might have regarding compliance with animal welfare legislation.

Key compliance actions

- [ ] Meet the minimum standards of care that must be provided for animals as per the Animal Welfare Act and relevant regulations.
- [ ] Have a plan in place to ensure all animals are fit for transport through selection and preparation.
- [ ] Keep records of all Animal Health and Welfare incidents.

Background

» Animals play an important role in our lives in New Zealand, including through the provision of food and fibre. New Zealanders have established a reputation for high levels of animal welfare and maintaining this reputation is critical to the success of the agricultural industry.

» Animal welfare is therefore a key part of any good farming business. This includes the responsibility for the wellbeing of stock from birth, while they are in the farmers care, and beyond the farm gate. It is important that farmers are sure, as best they can, that the animals are cared for through good communication across the whole supply chain.

- *For example, when transporting tall animals, a farmer should communicate with the trucking company to get the right truck for the height of animals to prevent the occurrence of back-rub.*

» Animal welfare is described as the physical and mental state of the animal in relation to what it experiences. Animal welfare can be good or bad, depending on the circumstances.

» Legislation has been put in place to ensure that animals are treated humanely and with respect.

» The key piece of legislation for animal welfare in New Zealand is the Animal Welfare Act 1999. This Act is designed to set out how people should take care of and act towards animals and is supported by regulations and codes of welfare. Each of these play different roles in the animal welfare system:

- **Animal Welfare Act 1999**
  High level obligations to provide for an animal's physical, health and behavioural needs, and to ensure that any animals that are ill or injured are treated or humanely euthanised. The Act typically applies for high-level offences and penalties.

  e.g., causing or permitting unnecessary or unreasonable pain or distress to cattle during handling, transport or slaughter. Breaches of the Act will result in fines, potential imprisonment or criminal conviction.

- **Regulations**
  More specific than the Act, in that they apply to specific situations or procedures, and more directly enforceable than the Codes of Welfare. Typically applies for low-medium level offences and penalties.

  e.g., a person must not disbud a cattle beast unless through the procedure the cattle beast is under the influence of pain relief and is authorised by a veterinarian for the purpose of the procedure.

- **Codes of Welfare**
  Detailed minimum standards for specific species and situations. The codes reflect good practice and are typically not directly enforceable. However, non-compliance with a minimum standard may be used to support a prosecution under the Act.

Legislation: Animal Welfare Act 1999

The Animal Welfare Act 1999 is jointly enforced by the Ministry for Primary Industries (MPI), the Royal New Zealand Society for the Prevention of Cruelty to Animals (SPCA) and the Police. The Act is the primary legislation that sets out the requirements for the welfare of animals in New Zealand. It puts obligations on people who own or are in charge of animals to provide for the welfare of their animals.

The Act was strengthened in May 2015 with amendments to protect animals in New Zealand by allowing for stronger animal welfare standards, broadening enforcement powers, with the introduction of animal welfare regulations, and other measures to improve the clarity and transparency of the animal welfare system. The introduction of these amendments was the first time internationally that animals were legally recognised as sentient beings.

The Act outlines some key compliance requirements that are important to be familiar with. These concepts are displayed in Table 1.

Table 1: Key compliance concepts in the Animal Welfare Act 1999.

Compliance concepts	Description
Duty of care	The Act establishes a duty of care for animals and sets out the obligations of animal owners or people in charge of animals to meet an animal's physical, health, and behavioural needs, and alleviate pain or distress. The Act defines 'physical, health, and behavioural needs' as: » proper and sufficient food and water; » adequate shelter; » the opportunity to display normal patterns of behaviour; » appropriate physical handling; » protection from, and rapid diagnosis of, injury and disease.
Prohibition of cruelty	The Act prohibits the ill-treatment, abuse, or neglect of animals.
Obligations for owners and persons in charge of animals	The Act places obligations on owners and persons in charge of animals to ensure that the animals are well-cared for and not subjected to any form of cruelty.
Codes of welfare	The Act requires that codes of welfare be developed for specific types of animals to provide specific guidance on how to meet their needs.
Inspections and enforcement	The Act provides for inspection and enforcement mechanisms to ensure compliance with the Act and its regulations.
Penalties	The Act also outlines penalties for breaches of its provisions, including fines, imprisonment, and disqualification from owning or being in charge of animals.

Figure 1: Animal's physical, health and wellbeing needs as defined in the Animal Welfare Act 1999 and based on the Five Freedoms of Animal Welfare.

Legislation: Regulations

The Animal Welfare Act 1999 enables MPI to develop specific welfare regulations that enable better enforcement of low to mid-level animal welfare offending

The first set of regulations were released in 2016 and covered the treatment of bobby calves and some changes to rules for exporting live animals for slaughter.

Further regulations governing animal care and procedures came into force in 2018. The Care and Procedures regulations are the most expansive. The regulations are grouped by animal type and activity and are added to over time. They aim to ensure that animals are treated in a humane and respectful way and that their welfare needs are met in accordance with recognised standards of farm management and veterinary practice. Some of the key compliance requirements to be familiar with, along with actions to ensure suitable care, are displayed in Table 2 and 3. More details on procedures and their relevant requirements can be found in the painful husbandry procedures code of welfare (summary provided in the further information section of this module).

Table 2: Examples of key animal care compliance items and appropriate actions to ensure suitable care under the Animal Welfare (Care and Procedures) Regulations 2018. For full details, please refer to the Regulations.

Compliance item	Description	Action(s) to ensure suitable care
Care		
Calves fit for transport	It is important that owners ensure calves are fit for transport ahead of travel.	» Check all calves are free from any signs of injury, disease, disability or impairment. » Ensure the calf is alert, able to rise, stand and bear weight evenly, move freely and protect itself from being trampled. » Ensure calves hooves are firm, worn flat with no soft tissues and that the naval cord is shrivelled and not pink, raw or fleshy. » Have a system in place for assessing and managing the transport of calves to ensure compliance.
Back-rub	Transport that causes back-rub (a skin abrasion that causes bleeding or discharging).	» Ensure the stock vehicle allows enough space for cattle to be transported without the likelihood of rubbing. » Clear communication with all handlers to describe the stock that are being transported and their requirements.
Cattle or sheep with ingrown horns	An ingrown horn is when either the tip of side of the horn pierces, inflames or causes abrasion to any part of the body.	» A horn must not be allowed to become ingrown.
Prevent down cows during transportation	Cull cows need careful preparation and management prior to transport.	» Milk just before transport and provide mineral supplementation. » Stand stock off pasture for 4-12 hours prior to transport and provide water and roughage. » Download the fit for transport app to check stock on the spot.

Table 3: Examples of key procedural compliance items and appropriate actions to ensure suitable care under the Animal Welfare (Care and Procedures) Regulations 2018. For full details, please refer to the Regulations.

Compliance item	Description	Action(s) to ensure suitable care
Procedures		
Sheep tail docking	Tail docking of sheep can be done for cleanliness and to reduce the risk of flystrike.	» Ensure the person tail docking is aware of the rules and is experienced in the procedure or has received training in the correct use of the method used. » Discuss tail docking planning with your staff. » Ensure the correct tail docking method for sheep under or over 6-months old.
Prolapses	The animal may experience a prolapse condition that requires serious treatment.	» Contact your veterinarian if you suspect a prolapse. » Provide access to pain relief. » Use the appropriate equipment.
Branding	The permanent marking of livestock using freeze branding (Note, hot branding is prohibited for all animals except horses, ponies and donkeys).	» Be experienced or have received training for the correct method being used. » Careful monitoring to ensure early signs of distress or discomfort are recognised.
Disbudding/ dehorning	Cows may need disbudding or de-horning. Pain relief authorised by a veterinarian must be used.	» Be experienced or have received training for the correct method being used. » Use pain relief to minimise pain or discomfort. » Talk to your local veterinarian.
Castration	It is important that castration is undertaken by someone who is competent to undertake the procedure using the right equipment.	» Use rubber rings as the preferred method of castration. » Use pain relief authorised by a veterinarian.
The regulations do not provide a definition for what 'experienced' is, however the care of animals before, during and after painful husbandry procedures are applied, requires competence, experience and observance of high standards. Typically, training will occur in an induction environment where there is support to ensure the correct method is used.		

Legislation: Codes of Welfare

Animal codes of welfare form part of the Animal Welfare Act. The codes are issued under the Animal Welfare Act but appear separate from the Act. This is because with so many different types of animals and situations, it is impractical to include them all in the Act. It would make for lengthy and unwieldy legislation. Codes of welfare replace the 'Codes of recommendations and minimum standards', which were issued under the previous law.

The codes that are included as part of this module are:

- Code of Welfare: Dairy Cattle
- Code of Welfare: Sheep and Beef Cattle
- Code of Welfare: Deer
- Code of Welfare: Transport within New Zealand
- Code of Welfare: Painful Husbandry Procedures

Note, there may be other Codes of Welfare that are also applicable to your farming business but are not covered in this module. These could include the Codes of Welfare for goats, pigs, dogs, horses and donkeys amongst others. A full list of all the codes of welfare can be found on the MPI webpage.

More than one code of welfare might be relevant for a particular situation. For example, when transporting sheep, both the sheep and beef cattle code of welfare, and the transport within New Zealand code of welfare apply. The codes are flexible enough to be modified and improved as community expectations, good practice, scientific knowledge and technical advances allow.

Codes of welfare generally provide an introduction to each of the key compliance areas in the code, followed by the minimum standards and some recommended best practices. These recommendations set out standards of care and conduct, over and above the minimum required to meet the obligations in the Animal Welfare Act. They are included to encourage higher standards of animal welfare.

An example using 'dairy cattle shelter' is provided in Table 4 to show how minimum standards and recommended best practices differ.

Table 4: Example of an animal welfare standard from the Dairy Code of Welfare showing the difference between the minimum standards and recommended best practice.

Welfare standard	Minimum standards	Recommended best practice
Shelter	» All dairy cattle are provided with the means to minimise the effects of adverse weather. » Newborn calves removed from their mothers are provided with shelter. » Sick animals and calves not suckling their mothers must have access to shelter. » Priority for remedial action is given to animals who have developed health problems associated with exposure to adverse weather conditions	» Shelter (e.g., windbreaks or natural topography) is provided for animals close to calving. » Animals that are photosensitive are protected from exposure to direct sunlight. » Heat loading on animals during hot weather should be reduced by: • Providing plentiful drinking water • Using paddocks close to the shed • Moving animals at their own pace • Using water sprinklers at the shed • Providing shade • Using sun protection formulas (e.g., zinc) • Once a day milking in the morning

The supporting tables within the further information section are based on the minimum standards for compliance and exclude the recommended best practice. Further information on recommended best practices can be found in the applicable Code of Welfare.

How to meet the regulations

A number of measures can be put in place to assist farmers in complying with the regulations to ensure animal health and welfare. These measures could include:

- Having a suitable animal welfare policy in place that all staff have access to and understand.
- Having an animal health plan developed in combination with your vet that details how animal health will be managed including in adverse weather events.
- Developing a plan for ensuring animals are fit for transport and staff are appropriately trained in animal handling.
- Providing housing and facilities with adequate ventilation, space, drainage and protection from extreme weather.
- Providing a balanced and nutritionally appropriate diet for each type of animal, ensuring access to clean and fresh water at all times.
- Maintaining detailed records of animal health, treatments and any incidents.
- Providing pain relief during all painful husbandry procedures as per the appropriate code of welfare and regulations.
- Providing continuous education of staff on animal welfare regulations and best practices.
- Staying informed about any updates or changes to animal welfare regulations by regularly checking the Ministry for Primary Industries website.

Sources for further information

Ministry for Primary Industries

The main government organisation for animal welfare. Includes the latest updates and information regarding animal welfare legislation and further resources.
animalwelfare@mpi.govt.nz

Ministry for Primary Industries – Resources

Access to MPI's animal welfare resources including Welfare Pulse, a specific animal welfare newsletter publication.

Beef + Lamb NZ – Animal Welfare

Module for sheep and beef farmers to understand importance and benefits of animal welfare. Information on compliance requirements and dealing with animal welfare issues is available.

Your milk and/or meat processor for supplier specific rules

Ministry for Primary Industries

Further information on sheep tail docking regulations that recently came into effect and how these procedures should be done.

DairyNZ – Animal Welfare

Information on animal welfare for dairy farmers, including useful information guides.

National Animal Welfare Advisory Committee

Information on animal welfare and future direction for animal welfare issues.

Your local veterinarian

Humane Slaughter

Cattle - Dairy NZ

Sheep - Beef & Lamb NZ

Tools & resources

Ministry for Primary Industries – Ask Reg

A useful online tool to find out all the requirements for your animal or activity. Includes applicable regulations, guidance, minimum standards and recommended best practices.

Fit for Transport

A mobile app that helps farmers, transporters, stock agents and veterinarians determine whether an animal is fit for transport.
App available from the App Store or Google Play.

Ministry for Primary Industries - Agricultural compounds and veterinary medicines (ACVM) register

Provides the conditions of use on veterinary medicines and agricultural chemicals (ACVM).

Codes of Welfare

This section provides summaries of the minimum standards that farmers are legally required to meet. These are outlined for dairy cattle, sheep and beef cattle, transport within New Zealand and the painful husbandry procedures codes of welfare. For full details and supplementary information, please check the appropriate code of welfare. Please note, the dairy and deer codes of welfare are currently being reviewed.

Table 5: Summary of the Code of Welfare for Dairy Cattle. For full details, please visit the Ministry of Primary Industries website.

Regulatory area	Minimum standards
Stockmanship	Dairy cattle are cared for by a suitable number of personnel with the skills and knowledge to maintain the health and welfare of the animals in accordance with this Code.
Food	Dairy cattle of all ages receive sufficient quantities of food and nutrients to maintain good health, meet their physiological requirements and minimise metabolic and nutritional disorder. When the body condition of any animal falls below 3, urgent remedial action must be taken. Automated feeding systems must be monitored at least once every 24 hours to ensure they are working correctly. Feeding must be managed to avoid ill health as a consequence of the feed or feeding methods.
Feeding newborn calves	To ensure their welfare newborn calves must receive sufficient colostrum or good quality commercial colostrum substitute.
Hand rearing calves	Access to sufficient liquid feed until the rumen has developed sufficiently to utilise solids as the sole feed source.
Water	The provisions of an adequate supply of water for maintaining dairy cattle health and welfare. The water delivery system must be reliable and maintained to meet daily demand. Remedial action should be taken to ensure dairy water requirements are met in the event of a water system failure.
Providing for behavioural needs	Dairy cattle able to walk, turn around, lie in a natural position, lie down and rise freely and express normal feeding behaviour and appropriate social interactions. Able to lie and rest comfortably for sufficient periods.
Shelter	Dairy cattle provided with means to minimise effects of adverse weather. Newborn calves removed from their mothers must be provided with shelter, along with sick animals and calves not suckling their mother. Where animals develop exposure-related health problems, remedial action to minimise effects must be taken.
Farm Facilities	Farm facilities are constructed, maintained and operated in a manner that minimises the likelihood of distress or injury to animals.
Managing dairy cattle in off-paddock facilities	Off-paddock facilities comply with building, facilities, lighting, ventilation, ammonia, automated system and planning requirements as per the minimum standards in the Code. Dairy cattle must not be tethered and must be inspected daily, with timely remedial action provided as appropriate.

Stock handling	Dairy cattle handled at all times in such a way as to minimise the risk of pain, injury or distress. Minimum force is used and there is no prodding in sensitive areas. Electric prodders are not used unless they meet the conditions in the Code.
Droving	Care is taken at all times to minimise injury or distress to the animals. Droving distance and speed is considered in relation to the fitness of the animals. Provision of access to remedial action, including rest, provided where animals become injured or distressed.
Restraint	Applied in a way that minimises stress and risk of injury to the animal. Details around the use of nose rings, physical restraint, tethering and electroimmobilisation are detailed in the Code.
Identification	Freeze branding should only be done by a person experienced and able to use the correct method and identify if the animal is in distress. Hot branding must not be used.
Milking	Cows must be milked, or suckle calves, frequently enough during lactation to minimise discomfort and maintain udder health. Milking equipment should be well maintained, and milk let-down must not be stimulated by inserting something into the cows vagina.
Calving in dairy cattle	Dairy cow close to calving should be inspected at least twice every 24 hours. If during inspection, a cow or heifer calving is not progressing normally remedial action is taken. Inductions must be conducted under the direct supervision of a veterinarian. A moving vehicle or instrument that does not allow for the immediate release of tension must not be used.
Caring for recumbent cows	If hip clamps are used they must be removed if the cow cannot promptly support her own weight. Cows must not be transported so that all her weight is carried by the hip clamps and vehicle. Cows suspended in a sling must be able to breathe freely, not suffer any unnecessary discomfort, and be lowered within one hour if they cannot support their own weight.
Calf management	Calves handled and moved in a manner which minimises distress and avoids pain, injury or suffering. When calves are killed on farm, calves must be rendered immediately insensible and remain in that state until death is confirmed. A suitably trained person must undertake the humane destruction and this must meet regulations. Premature calves unlikely to survive or calves with debilitating congenital defects must be humanely destroyed at the earliest opportunity.
Pre-transport selection	The person in charge must examine the selected dairy cattle prior to transport to ensure all animals are fit for transport. Animals that are pregnant, lame or unweaned should be given particular attention as per the regulations.
Health	Those responsible for the welfare of the dairy cattle must be competent at recognising ill health or injury and take remedial action as appropriate. Veterinary medicines and professional advice are used as appropriate where escalation required.
Emergency humane destruction	Dairy cattle rendered immediately insensible and remain in that state until death is confirmed. A suitably trained person must undertake the emergency humane destruction and this must meet regulations.

Table 6: Summary of the Code of Welfare for Sheep and Beef Cattle. For full details, please visit the Ministry of Primary Industries website.

Regulatory area	Minimum standards
Stockmanship	Sheep and beef cattle are cared for by a suitable number of personnel with the skills and knowledge to maintain the health and welfare of the animals in accordance with this Code.
Animal handing	Sheep and beef cattle handled at all times in such a way as to minimise the risk of pain, injury or distress. Minimum force is used and there is no prodding in sensitive areas. Electric prodders are not used unless they meet the conditions in the Code.
Mustering and droving	Sheep and beef cattle being moved on foot must not be forced to proceed at a pace that will cause exhaustion, heat stress or injury.
Restraint and facilities	Facilities construction and maintenance are operated in a manner that minimises likelihood of distress or injury to animals. Methods of restraint for animals are only used when suitable, safe, in good working order and only for as long as necessary under supervision. Electroimmobilisation must only be used in a manner that allows animals to breathe normally. Sheep or beef cattle restrained by tether must have been habituated to being handled that way.
Food and water	Sheep and beef cattle of all ages receive sufficient quantities of food and nutrients to maintain good health, meet their physiological requirements and minimise metabolic and nutritional disorder. All sheep and beef must have access to water, sufficient for their daily needs and that is not harmful to their health. If any beef or sheep animal shows signs of being very thin, or the body condition of any animal falls to 1, urgent remedial action must be taken.
Shelter	Sheep and beef cattle provided with means to minimise effects of adverse weather. Newborn calves removed from their mothers must be provided with shelter, along with sick animals and calves not suckling their mother. Where animals develop exposure-related health problems, remedial action to minimise effects must be taken.
Injury and disease	Signs of ill health or injury must result in timely preventative or remedial action as appropriate. Medication is used in accordance with registration conditions and manufacturer's instructions or professional advice.
Selection and breeding tests	Tests for animal performance which have the potential to compromise animal welfare must only be used when necessary, where the tests are likely to support selection and breeding objectives and harm is minimised. Identification of animals resistant to disease by dosing or exposing them to the disease-causing organism or conditions must only be carried out by a veterinarian. Testing bulls for reproductive soundness by allowing mounting and servicing of a cow only in the immediate care of a vet. Where mount animals show signs of distress, they must be withdrawn and treated appropriately.
Reproductive technologies	A pregnancy diagnosis or a cervical or transcervical insemination procedure must only be undertaken by a person experienced to do so and be able to take prompt remedial action if required or seek advice. Surgical reproductive procedures can only be undertaken by an experienced person and where the animal is under the influence of veterinary authorised pain relief. Electroejaculation must be carried out by veterinarians or trained operators using appropriate pain relief.
Lambing and calving	Mechanical devices to assist in lambing should only be used if necessary and by a trained and experiences operator. A moving vehicle or instrument that does not allow for the immediate release of tension must not be used.

Colostrum	Artificially reared lambs and calves must receive sufficient colostrum or good quality colostrum to ensure their welfare.
Fostering and artificial rearing	Where restraint is used to help a ewe or cow to adopt a foster lamb or calf, the animals must be inspected frequently to ensure the dam is not becoming distressed and the lamb or calf is suckling. Where young are rejected by the foster dam the lamb or calf must be removed and provided adequate nourishment or killed humanely. Artificially reared animals must be given suitable liquid feed until the rumen has sufficiently developed to utilise pasture and other solid feeds as the sole feed source.
Identification	All identification procedures must be applied by a competent operator. Freeze banding must be done by an experienced person who has received training and is able to identify signs of distress or injury. Hot branding must not be used.
Shearing, dagging and crutching	Sheep must have access to food and water as soon as possible after shearing. All severe cuts or injuries must be treated immediately.
Managing flystrike	All reasonable steps must be taken to prevent, identify or manage the risk of flystrike in sheep. Affected sheep must receive appropriate treatment at the earliest opportunity.
Feeding pads	All animals must be able to lie down and rest comfortably for sufficient periods to meet their behavioural needs. Sufficient space must be provided for feed and water.
Feedlots	All animals are able to lie down and rest comfortably for sufficient periods to meet their behavioural needs. Inspection of stock daily for signs of ill health or failure to adapt to either the feed or the environment. Sufficient space is provided to prevent competition for feed and water. Animals failing to adapt must be immediately removed from the situation and provided with alternative feed. Aggressive animals or horned cattle must be penned separately if there is insufficient space for pen-mates to escape injury.
Housing	All animals are able to lie down and rest comfortably. Animals are penned in groups with individual confinement for those under treatment. Facilities are managed to ensure there are no risks to animal health with sufficient ventilation and access to natural lighting.
Pre-transport selection and management	The person in charge must examine the selected sheep and beef cattle prior to transport to ensure all animals are fit for transport. Animals that are pregnant, lame or unweaned should be given particular attention as per the regulations.
Humane destruction	Sheep and beef cattle must be handled, restrained and killed in a manner to minimise unnecessary pain and distress prior to death. A suitably trained person must undertake the emergency humane destruction and this must meet regulations.

Table 7: Summary of the Code of Welfare for Deer. For full details, please visit the Ministry for Primary Industries website.

Regulatory area	Minimum standards
Stockmanship	The owner or person in charge ensures that all stock handlers gain appropriate experience to ensure animal welfare is maintained in accordance with this Code.
Food and feeding	Deer receive adequate daily quantities of food and nutrients to enable each deer to maintain good health, meet physiological demands and prevent metabolic and nutritional disorders. If any deer shows signs of emaciation or if the Body Condition Score (BCS) of any individual deer, other than fawns or weaners, falls below 2, immediate remedial action through veterinary attention, improved nutrition or husbandry practice must be taken. Any signs of ill-thrift or emaciation in fawns/weaners must be promptly investigated and remedial action taken.
Water	All deer must have access to an adequate daily supply of drinking water that is not harmful to health. The water delivery system must be reliable, at the appropriate size for the deer, and maintained to meet daily demand. In the event of a water delivery system failure, remedial action must ensure that the daily water requirements are met. Any deer retained in yards or within holding facilities for longer than 12 hours must have access to drinking water.
Shelter and shade	All deer, including fawns, must have access to shelter to reduce the risk to health and welfare caused by exposure to cold. Where conditions are likely to lead to fatal hypothermia remedial action must be taken. At calving/ fawning time fawns must have access to sufficient ground cover for at least the first 2 weeks following birth, to allow them to express their natural hiding behaviour. All classes of deer must be provided with means to minimise the effects of heat stress.
Handling facilities	Facilities must be designed, constructed and maintained to prevent injury to animals during routine husbandry procedures. All protrusions, gaps and edges, including damaged flooring, likely to cause injury to deer must be removed, repaired or covered. The storage of all health remedies, toxic materials and associated equipment must be secure and inaccessible to deer. Facilities must provide sufficient ventilation to prevent a build-up of excessive heat, humidity and noxious gases and have light at a minimum of 20 lux available at all times to enable safe inspection and handling of animals. All power cables and associated fittings must be inaccessible to deer and floors must be constructed of non-slip material.
Holding facilities	Facilities must be designed, constructed and maintained to allow ready access to handling and inspection of deer, enable segregation, space to lie down, rest, stand comfortably, provide treatment as well as ready evacuation. Sufficient area of dry bedding, ventilation, and additional lighting is required in all holding facilities. Water supply systems must be protected to ensure the risk of flooding is minimised, sharp objects and electrical fittings are removed, repaired or covered. Deer must not be released for a prolonged period indoors without ready access to shelter and shade in adverse weather to avoid temperature stress. Ceiling height must be at least 2.4 metres.

Restraint and handling practices	Chemical (drug) immobilisation techniques must only be used by registered veterinarians (excluding velvet antler removal where the individual is a certified velvetter). Deer must not be struck or prodded with a goad in the udder, anus, genitals, eyes or other sensitive areas. Electric prodders must not be used except during loading of a stunning pen at any slaughter premises. As long as their use does not contravene regulation 49 (prodding animals in sensitive areas) of the Animal Welfare (Care and Procedures) Regulations 2018, goads, such as stock canes or lengths of plastic piping, are permissible to assist the movement of deer, but may only be used in a manner that causes minimal stress and avoids injury.
Restraint equipment	Restraint equipment must be maintained, suitable for the class, age and type of deer, as well as used appropriately to minimise risk of injury or unnecessary pain or distress to deer. Operators must be fully conversant with the safe operating procedures of the restraint equipment. Deer must not be held in a restraint for more than the time required to carry out the procedures for which they are being restrained and rapidly released from restraint equipment.
Mixing of deer	Where two or more groups of deer are to be mixed they must be observed on mixing, and then daily until settled, for signs of injury or continued aggression likely to lead to injury so that remedial action can be taken if necessary.
Male deer	Male deer with hard antler must be separated from male deer without hard antler, especially during the rut, to avoid risk of injury and to allow easy access to feed and water. Farmers must develop management practices to cater for the welfare needs of male deer farmed with hard antler.
Fawns and fawning	Hand reared fawns must receive colostrum or an equivalent substitute as soon as possible after birth. Hand reared fawns must have daily access to feed, fresh roughage and clean fresh water.
Weaning	Weaning must be managed in a way that avoids excessive stress on the dam and fawn and minimises negative impact on their health and welfare. Newly weaned fawns must be provided with ample high quality, familiar feed, water and shelter. Weaned deer must be inspected frequently to check for signs of ill-thrift, injury or stress, and where appropriate remedial action must be taken to ensure the welfare of the deer.
Health	Those responsible for the welfare of deer must be competent at recognising the signs of ill health or injury, and take remedial action as appropriate. Medication must only be used in accordance with registration conditions, manufacturers' instructions or professional advice.
Inspections	The owner or person in charge must inspect deer at such frequency as is appropriate to the circumstances and class of deer, for signs of ill health, injuries and general well-being, and take action as required. Deer held in holding facilities must be inspected at least daily.
Pre-transport selection	The person in charge must examine the selected deer prior to transport to ensure that all animals are fit and healthy for transportation. Pregnant deer must not be transported within 21 days before their estimated due date. Unweaned deer (dams or fawns) and deer that have been weaned for less than 10 days (dams or fawns) must not be transported. All deer must be fit enough to withstand the journey without suffering unreasonable or unnecessary pain or distress. Lame deer must not be selected for transport, except as allowed by regulation 40 of the Animal Welfare (Care and Procedures) Regulations 2018.

Table 8: Summary of the Code of Welfare for Transport in New Zealand. For full details, please visit the Ministry of Primary Industries website.

Regulatory area	Minimum standards
Competency and stockmanship	At every stage of transport, animals must be cared for by a sufficient number of personnel, who collectively possess the appropriate ability, knowledge and competence necessary to maintain the health and welfare of the animals in accordance with this Code.
Conveyance and container design	Conveyances and containers used for transport of animals are designed and maintained so they are suitable for carrying the animals. Conveyances designed so that the faeces or urine from animals on upper levels do not soil any animals, feed, and water on lower levels. Conveyances should ensure adequate ventilation and protection from adverse weather. Containers ensure enough room to allow animals to travel in a natural posture and present no hazards.
Loading and unloading facilities	Loading and unloading facilities do not hinder passage of animals, or present hazards, and loading/unloading facilities must allow close alignment between the conveyance and loading ramp. Animals have access to adverse environmental conditions, including while waiting to be loaded and following unloading.
Journey planning and documentation	Transport must be planned to minimise risk of injury, fatigue or metabolic and nutritional disorders. Documentation must be completed and accessible to the relevant personnel. A contingency plan must be in place to allow the needs of animals to be met in the event of delays. Any deaths occurring during travel must be recorded.
Preparation of animals for transport	Animals appropriately prepared for transport through the provision of familiar and sufficient food and water as appropriate to the species, age, condition and expected length and conditions of the journey.
Selecting and accepting animals for transport	The person in charge must examine the selected animals prior to transport to ensure all animals are fit for transport. Animals that are pregnant, lame or unweaned should be given particular attention as per the regulations. Animals that have been castrated or had their tail docked must not be transported within seven days of the procedure. Details can be found in the Animal Welfare (Care and Procedures) Regulations 2018. Requirements relating to pre-transport management as relevant to the species should be followed.

Loading and unloading	Animals must be loaded in a way that minimises the risk of pain, injury or distress with minimum force. Animals must not be struck or prodded in sensitive areas. Electric prodders must not be used unless they meet the conditions in the Code. Animals likely to cause stress to other animals must be kept separate. Animals must be handled with care, not overcrowded, or secured to conveyances or containers by a nose ring. Animals of different species must not be transported in the same container.
Ventilation	Sufficient ventilation or oxygenation to ensure the animal maintains a normal body temperature. Where there are signs of distress, heat or cold stress, immediate corrective action must be taken.
Monitoring animals	Animals inspected for injury or signs of pain or distress at regular intervals during the journey. Animals that need assistance will be supported as soon as practicable. The time and place of inspection and any deaths and incidents must be recorded.
Food, water, rest	Provision of food and water familiar to and appropriate to the species, age, physical state and condition of animals to allow them to regulate body temperature and meet their health needs. Animals able to rest during travel as suited to their requirements. Unweaned animals must be fed within 28 hours after loading for transport as per the regulations.
Transport by road	Vehicles carrying animals must be operated in a manner that does not cause animals to fall or be injured during travel.
Transport within New Zealand waters	If transport is longer than 24 hours, provision of food and water must be given as per the Code. Stock must be held off pasture for a minimum of 12 hours before travel. The stock attendant must be available to provide care during transit. Sufficient ventilation or oxygenation in enclosed vehicles to avoid pain, distress or lasting harm. Regular monitoring and inspection of animals to ensure welfare is not compromised.
Emergency humane destruction	Emergency equipment must be available and maintained ready for procedure if required. Animals must be killed handled in a way that minimises distress and the spinal cord is not severed or broken. A suitably trained person must undertake the emergency humane destruction and this must meet regulations.

Table 9: Summary of the Code of Welfare for Painful Husbandry Procedures. For full details, please visit the Ministry for Primary Industries website.

Justification for painful procedures	Painful husbandry procedures must only be performed where there are no other practical, economically viable, effective, less noxious alternatives to the procedure and they result in overall enhancement of animals' welfare, advantageous farm management systems, enhanced animal product or reduced safety risk to humans.
Minimising harmful consequences	Painful husbandry procedures must not be performed on newborn animals less than 12 hours old where handling, pain and postoperative complications are likely to compromise survival through impairing maternal bonding and/or colostrum intake. If these procedures that have animal health and welfare benefits are not used, care must be taken to manage any consequential risks to animal health and welfare of not using them.
Castration	Method of castration should minimise the acute and chronic consequences for the health and welfare of the animal. Pain relief must be provided to cattle over 6 months if castrated and authorised by a vet. Rubber rings to castrate must be placed above the testes and below the teats and be the appropriate size and tension for the animal. For shortening the scrotum these rings must be placed below the testes. Pain relief authorsied by a vet must be used for high tension bands regardless of the age of the animal.
Tail docking	<u>Sheep</u> Tail docking should only be undertaken where there is significant risk of faecal and urine contamination, and/or flystrike that leads to poor hygiene, health and welfare and/or failing to do so adds a significant cost to the farm system. It should be performed when the sheep is as young as possible, less than 6 months of age and using a hot iron or rubber ring to dock the tail no shorter than the distal end of the caudal fold. Tail docking should be performed by a vet if the sheep is over 6 months old. <u>Cattle</u> Urgent docking of the tail in response to an accidental tail injury is permitted to prevent excessive bleed or further injury to the cattle beast. Otherwise the procedure must be done by a vet for therapeutic reasons.

Disbudding and dehorning	Animals with intact or “tipped” horns must be managed to minimise the risk of injury to other animals. Disbudding Method should minimise pain and distress and other negative health consequences. If thermal cauterising equipment is used it should be used in such a way as to minimise the risk of thermal injury to tissues. The animal must be provided with pain relief authorised by a vet. Dehorning Method should minimise pain and distress and other negative health consequences. The animal must be provided with pain relief authorised by a vet
Operator training, stockmanship and facilities	Painful husbandry processes should be undertaken by someone with the appropriate knowledge or training to recognise signs of distress, injury or ill health. Appropriate standards of cleanliness and hygiene must be observed. Handling facilities must be sited, constructed, maintained and operated to minimise the risk of injury and avoid unnecessary distress to the animals.

5 Self-check

Self-check: Animal welfare compliance

Actions to meet the Animal Welfare Act 1991:

- ☐ As a person in charge of animals, ensure you can meet your obligations to provide a 'duty of care' to animals to alleviate pain and distress, and meet their physical, health and behavioural needs:
  - ☐ provide proper and sufficient food and water,
  - ☐ provide adequate shelter,
  - ☐ provide the opportunity to display normal patterns of behaviour,
  - ☐ provide appropriate physical handling,
  - ☐ provide protection from, and rapid diagnosis of, injury and disease.

Actions to meet the Animal Welfare Regulations and Codes of Welfare:

- ☐ Review the Animal Welfare (Care and Procedures) Regulations and the Codes of Welfare relevant to your farming enterprise and ensure you can comply with the conditions for the applicable animal type and activities undertaken. Examples provided below.

For dairy, sheep and beef, and deer, this should include:

- ☐ provision of housing and facilities with adequate ventilation, space, drainage and protection from extreme weather as defined in the codes of welfare.
- ☐ provision of a balanced and nutritious diet.
- ☐ provision of appropriate facilities and care during calving/lambing.
- ☐ handling and transporting animals in a way that is comfortable, safe and minimises stress.

For transport of animals, this should include:

- ☐ selection of a suitable transporter that has vehicles which provide adequate ventilation, temperature control and protection from weather.
- ☐ selecting animals that are fit for transport and are suitably prepared for the journey.
- ☐ ensuring animals are fed and watered at appropriate intervals suitable to their age and stage.
- ☐ monitoring animals regularly during transport to ensure their welfare.

For procedures including painful husbandry procedures, this should include:

- ☐ provision of pain relief during all painful husbandry procedures.
- ☐ ensuring procedures are carried out as soon as possible to minimise the animal's discomfort.
- ☐ ensuring procedures are carried out by a trained and competent person.
- ☐ handling of animals in a manner that minimises stress and discomfort.

6

FARM REGULATION REFERENCE GUIDE

Biosecurity

Funded by Agriculture & Investment Services
Ministry for Primary Industries
Manatū Ahu Matua

perrin ag™
NEW ZEALAND AGRI-BUSINESS ADVISORS


WARNING
HAZARDOUS
AREA
STOP!
READ
NOTICE
FIRST AID
Biosecurity
Area
ACCESS RESTRICTED
PERMITTED PERSONS ONLY

Biosecurity

Learning outcomes

- Have an understanding of the importance of biosecurity to New Zealand and what is required to protect our primary industry and its reputation.
- Understand the key compliance requirements related to reporting and preventing biosecurity issues.
- Understand your obligations for animal identification and tracing, and management of Bovine Tuberculosis.
- Know where to find the full details on the relevant legislation, and other supporting information.
- Understand what changes your farm business might need to implement to comply with biosecurity legislation.

Key compliance actions

- [ ] Work to prevent biosecurity incursions on farm and report any known spread.
- [ ] Maintain up-to-date NAIT records, including PICA and animal registration information.

Background

Biosecurity

- Harmful and unwanted organisms can adversely impact the environment, including ecosystems, people, communities, and natural and physical resources. This can affect cultural, economic, and social conditions.
- Biosecurity is not only about protecting your own property and business, but also your neighbour's, your community and the wider New Zealand including our reputation.
- Practicing good biosecurity measures is therefore important not only for individual farm businesses but also the wider New Zealand economy.
- **The Biosecurity Act 1993** was therefore created to provide a legal framework to support work in keeping harmful organisms out of New Zealand.
- The Act is designed to allow government and industry to collaborate on decision making processes and prepare for harmful organisms entering the country, including any necessary responses and how these should be paid for.
- The Act has a purpose of providing a biosecurity system to prevent and manage risk from harmful organisms like pests and diseases. It does this by:
  - Stopping pests and diseases at the border before they enter the country.
  - Dealing with them if they do enter the country.

National Animal Identification and Tracing (NAIT)

- The National Animal Identification and Tracing (NAIT) programme was established to support biosecurity management by improving animal identification and tracing systems.
- The NAIT system records:
  - The location and movements of individual animals.
  - The contact details for the person in charge of an animal.
- NAIT helps to protect:
  - Stock from disease and other harm.
  - Farmers' livelihoods.
  - New Zealand's economy and reputation as a primary producer.
- OSPRI is the company that manages the NAIT national programme and online tool. OSPRI helps to deliver the NAIT system by partnering with primary industries and the government, as well as communicating with and supporting farmers to meet their obligations.

Bovine Tuberculosis (TB) and the TBfree programme

» Bovine tuberculosis (TB) is a disease of farmed cattle and deer which, if left to spread, would lead to production losses and animal health issues. The disease can also affect humans, with the disease having a major impact on human health in many parts of the world.

» Possums are the main wildlife carrier of TB in New Zealand. Contact with infected possums is the major cause of TB in the country.

» Management of TB in New Zealand is through the **'TBfree programme'.** This programme aims to control and then eradicate TB in New Zealand. The objectives of the programme are to:

- achieve TB freedom in livestock by 2026,
- achieve TB freedom in possums by 2040,
- prove TB freedom from all hosts across New Zealand by 2055.

» The TBfree programme is delivered through a nationally coordinated system which includes:

- on-farm TB testing and meat works inspection,
- livestock movement controls,
- possum population management.

Legislation: Biosecurity Act 1993

The **Biosecurity Act 1993** is administered by the Ministry of Primary Industries (MPI). The Act provides the legal framework for both preventing organisms from entering the country, and how we respond to and manage them if they do enter. All land occupiers are responsible for effectively managing the spread of harmful organisms.

The Act gives MPI power to deal with harmful organisms. This may include:

- entering properties,
- imposing movement controls,
- destroying infected property,
- giving directions.

The Act also places obligations on farmers to report and prevent the spread of harmful organisms.

The owner or person in charge of an organism or animal that is known to or suspected to contain or harbour a pest or unwanted organism must not:

- Let that organism or animal be in a place where other organisms/animals may be present (e.g., sale or exhibition),
- Attempt to or sell that organism or animal,
- Breed or multiply the pest or unwanted organism or act in a way likely to encourage this.

Legislation: National Animal Identification and Tracing (NAIT) Act 2012

The **National Animal Identification and Tracing Act (NAIT)** 2012 is a key piece of legislation that allows MPI to respond quickly in the case of a serious biosecurity outbreak or natural disaster.

The Act describes the requirements participants in the NAIT scheme are obliged to meet. It also sets up guidelines for participants to access data, as well as allowing NAIT to enforce obligations. The NAIT Act gives NAIT Ltd the authority to issue standards, policies and rules.

The NAIT scheme applies only to cattle and deer. These are known as a **NAIT animal.** Any location where cattle and deer are kept must be registered as a **NAIT location**. The person that is most involved in the day-to-day management of cattle or deer, often the farm manager, is known as the **'person in charge of animals (PICA)'** and must register with NAIT. This person, the PICA, has specific obligations which are outlined in Table 1. Further specific obligations relating to animal identification (tagging), registration and recording movements is provided in Table 2.

Table 1: Summary of obligations for the person in charge of animals (PICA). For full details, refer to the NAIT Act 2012 and OSPRI website.

Item	Obligation of the PICA
Registration	» Register as a person in charge of animals (PICA) within the NAIT system. *Note, the PICA may appoint a delegate to undertake specified obligations on behalf of the PICA. This person is then known as the PICA delegate and must also register as such within NAIT.* » Register every location where the PICA is in charge of NAIT animals.
Animal identification and registration	» The PICA must ensure NAIT animals are correctly fitted with a NAIT tag and that the animal is registered within NAIT.
Movement	» The PICA must declare animal movements between NAIT locations. » This declaration must be made by the PICAs at both the origin and destination location by each party completing a sending and receiving movement. This must be confirmed or declined within 48 hours of the animals being moved on or off farm. » The PICA must complete an Animal Status Declaration (ASD) form that accompanies stock moving off-farm and that is given to the next PICA.
Other obligations	» The PICA must declare to NAIT if a NAIT animal dies or is lost. » The PICA must declare to NAIT if a NAIT animal is intended to be exported. » The PICA must declare to NAIT annually the number of all other cloven-hoofed animals at the NAIT location (sheep, pigs, goats etc.). » The PICA must ensure all information entered within the NAIT system is correct and updated as required. This includes all personal details, contact information, registration and movement declarations.

Table 2: Example of some of the key obligations for animal identification and movements. For full obligations and details, refer to the OSPRI website.

Topic	Obligations
Animal identification and registration	» All cattle and deer must be tagged with NAIT approved radio-frequency identification (RFID) tags. Specific rules relating to tagging include: • Animals must be tagged within six months of birth, or before they are moved off farm (whichever comes first). • Tags should be applied to the right ear in the central or inner part of the ear between the two veins (Figure 1).  Figure 1: Correct ear placement of NAIT tags • Exempt animals include bobby calves, fallow deer, and animals born on game estates or dangerous animals unsafe to tag going to the meat processor. • A PICA must declare a movement of an "unsafe to tag" animal to NAIT before it is moved rather than 48 hours after it is moved. These animals must also be visibly marked. • If sending an "unsafe to tag" animal to a meat processor, you must advise them that the animal is being sent, along with a description on how the animal is marked. • Persons in charge of animals (PICAs) can only use tags issued for their specific location. • Damaged or lost tags must be replaced and registered. » Within one week of tagging or before the animal is moved off-farm (whichever is sooner), animals must be registered in the NAIT system
Movements	» If animals are moved off the property, a sending movement must be recorded with NAIT within 48 hours of movement. Similarly, if animals are received, a receiving movement must be completed within 48 hours. » The exceptions to this include: • sending animals to an accredited entity operating as a meat processor or saleyard. Instead, it is the accredited entities responsibility to record the movement. • Animals being moved between properties with the same NAIT location number.

Legislation: Biosecurity (National Bovine Tuberculosis Pest Management Plan) Order 1998

Management of TB in New Zealand is through the National Pest Management Plan (NPMP) and is legislated through the **Biosecurity (National Bovine Tuberculosis Pest Management Plan) Order 1998** and is backed up by the **Biosecurity Act 1993.**

The Management Agency tasked to implement the NPMP is TBfree NZ, a subsidiary of OSPRI. It is TBfree NZ that delivers the TBfree programme.

Pest control and TB testing of cattle and deer are the two key components of the TBfree programme. If you are a Person in Charge of Animals (PICA), with a deer or cattle herd of any size, you must register with OSPRI for TB management. This is a requirement under the Biosecurity Act.

All herds registered automatically become part of the TB testing programme. The frequency of testing will depend on the disease control area (DCA) of the farm's location which is based on the risk of TB spread. There are four DCAs within New Zealand which inform testing frequency and movement control measures (Table 3).

TB testers perform skin tests on animals in dairy, beef and deer herds. An animal that has a positive reaction is called a 'reactor'. The TB tester will tag it with an official orange 'reactor tag' which must stray on the animal until it is slaughtered, or a blood test confirms the animal is unlikely to have TB.

Following a positive skin test, the animal is then usually given a blood test to confirm TB. Stock cannot be moved off the property until blood test results are returned. The action to take following a blood test will depend on the result:

- If the blood test is negative, instructions on how to remove the reactor tag will be given.
- If the blood test is positive, the animal will be slaughtered and a post-mortem performed.
- If the infected animal is a dairy cow, it will need to be separated from the herd and removed from milk supply.

If TB is confirmed in the herd, a Disease Management vet will visit the property. The herd will be classified as 'infected' and will be placed under movement restrictions with a 'Restricted Place Notice (RPN)'. A herd will remain under the 'infected' classification until the whole herd has had two clear TB tests at least six months apart. It will then be reclassified as 'clear'. Following this, each year that the herd is clear a number will be added to the status up until 10 years (e.g., C6 or C10).

Table 3: TB testing frequency and movement control measures for the different disease control areas. Refer to OSPRI for full details.

Disease Control Area	Testing frequency and movement control measures
Movement Control Area (MCA)	» All cattle and deer are tested annually. » Cattle or deer over three months old must have a TB test before they move within a MCA. » Movement within a MCA must be completed within 60 days of the pre-movement test. » Stock going direct to slaughter do not require a pre-movement test
Special Testing Area - Annual	» Cattle over 12 months, and deer over 15 months of age are tested annually.
Special Testing Area - Biennial	» Cattle and deer over 24 months of age are tested every two years.
Surveillance Area	» Cattle and deer over 24 months of age are tested every five years.

How to meet the regulations

Biosecurity Act 1993

A number of measures can be put in place to assist farmers in complying with regulations to prevent biosecurity outbreaks. These measures could include:

- Implement systems such as a biosecurity plan that can reduce the risk of unwanted organisms, including pest plants and diseases, entering the property.
- Utilise quarantine systems for animals entering the property.
- Consider disease status of new stock.
- Ensure visitors' clean equipment upon arrival and leaving.
- Secure boundary fences and stock management at the boundary.
- Report any incidence and spread of harmful organisms.
- If you spot a notifiable organism (list of these can be found here: https://www.legislation.govt.nz/regulation/public/2016/0073/9.0/whole.html), you have a legal obligation to contact MPI. If you think you have spotted one report it either on their hotline – 0800 80 99 66, or through the online MPI report form (https://report.mpi.govt.nz/pest/).
- Comply with MPI should an outbreak occur.

NAIT Act 2012

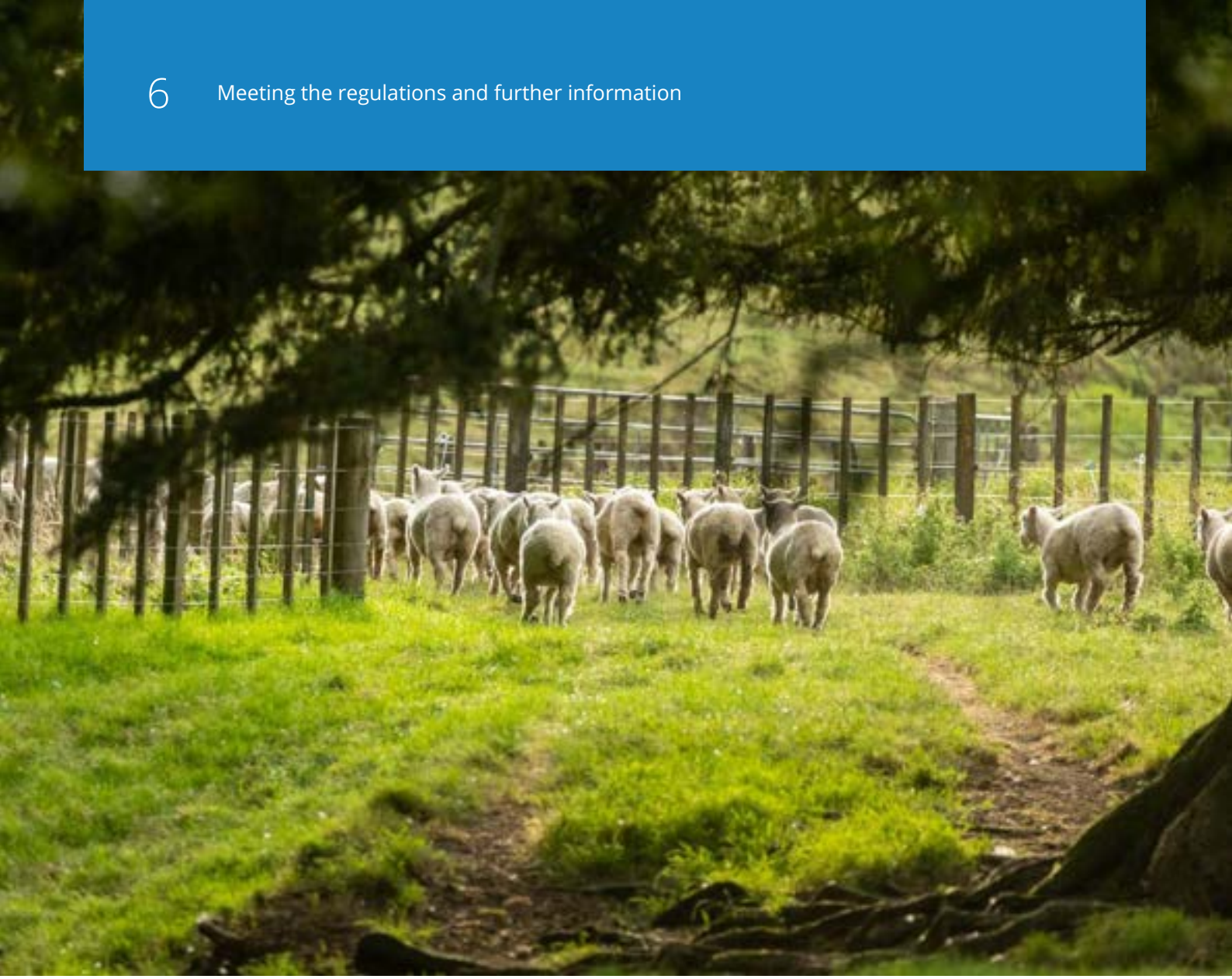
Complying with the NAIT obligations is largely centred around providing information to NAIT when specific activities (e.g., animal movements, new PICA takes over) occur, and within the required time frame.

The provision of information can be completed through the NAIT system in MyOSPRI and can either be done online through the NAIT portal or by calling the OSPRI helpline.

Third-party software such as MINDA (through LIC) can also be used for some activities including recording deaths or sales of cattle. However, if third-party software is used the PICA is still responsible for ensuring the correct information is held in NAIT.

The Ministry for Primary Industries is the lead enforcement agency for NAIT and have NAIT officers who investigate cases of non-compliance. Failure to comply with the NAIT obligations may result in prosecutions or fines.

Instructional guides and videos for completing NAIT tasks can be found on the OSPRI webpage (https://www.ospri.co.nz/farmers-and-livestock-owners/nait-user-guides-for-farmers/).



Biosecurity (National Bovine Tuberculosis Pest Management Plan) Order 1998

Meeting TB legislation requires compliance with the Tbfree programme. This includes:

- Registering any sized deer or cattle herd with OSPRI for TB management. This can be done by completing the herd registration form from the OSPRI webpage and emailing it to info@ospri.co.nz, or calling the contact centre on 0800 482 463. Once registered, you will receive a Tbfree herd number (separate to your NAIT location number).
- Regular testing to check for TB. Frequency of testing for a specific location can be identified by viewing the online disease control area map on the OSPRI website: (https://www.ospri.co.nz/farmers-and-livestock-owners/managing-tb-in-animals/disease-control-area-map/).

Sources for further information

OSPRI - NAIT

Phone: 0800 482 463
Information on the NAIT system including registration, delegating roles, and managing your account, as well as information on tagging and registering animals, recording movements, and buying and selling animals. Instructional user guides and videos are also available from the website for completing tasks within NAIT.

OSPRI - TBfree

Phone: 0800 482 463
Information on the TBfree programme including registration, TB testing and movement of animals

Ministry for Primary Industries – Report a pest or disease

The website for reporting a pest or disease including access to the online report form.

Biosecurity New Zealand

The main government organisation for biosecurity. Includes the latest updates and information regarding outbreaks, legislation and further resources.

Beef + Lamb NZ – Biosecurity

Information on biosecurity for sheep and beef farmers, including tips for reducing risks and other useful tools.

Ko Tātou – This is Us

A resource containing biosecurity information for both primary producers and the public.

Your trusted rural professional such as your farm advisor.

DairyNZ – Biosecurity

Information for dairy farmers, but also useful for other primary industries. Information on current risks, best management practices, access to the biosecurity planner.

Tools and resources

DairyNZ – Biosecurity plan

Biosecurity resources including a pre-purchase checklist, biosecurity planner, communication planner for graziers and biosecurity visitor sign.

AgPest

A free tool which can be used to assist decision-making regarding weed and pest identification, including impacts and management.

TBfree NZ – Disease control area map

A map where you can search your address to determine the classification of your area and how often TB testing will need to occur.

Beef + Lamb NZ – Biosecurity plan

A worksheet/planner which can be used to manage biosecurity risks on your farm

Self-check: biosecurity, NAIT and TB compliance

Actions to meet biosecurity legislation

- ☐ Reduce the risk of unwanted organisms by designing and implementing a biosecurity plan.
- ☐ Report any incidence or spread of unwanted organisms.
- ☐ Keep NAIT records up-to-date.

Actions to meet NAIT legislation

- ☐ The PICA is assigned to the person that is most involved in the day-to-day management of cattle or deer.
  - ☐ The PICA is registered online with NAIT
  - ☐ The PICA must register each location where they are in charge of animals.
- ☐ Ensure all animals are correctly tagged.
  - ☐ All animals (except for exempt animals) have been tagged with a NAIT-approved ear tag within 6 months of being born or before moving off farm.
- ☐ Ensure all NAIT registration and recording is up to date
  - ☐ All animals that have been ear tagged are registered on the NAIT system within one week of being tagged or before moving off farm.
  - ☐ A 'sending movement' has been recorded within 48 hours of animals moving off the property.
  - ☐ If animals are received on to the property, it has been confirmed they have been received within 48 hours of arrival.
  - ☐ All animal deaths and missing animals are recorded in NAIT.

Actions to meet TB legislation

- ☐ Register cattle and deer herds with OSPRI for TB management.
- ☐ Comply with regular TB testing and any movement controls as per your Disease Control Area.

7

FARM REGULATION REFERENCE GUIDE

Finance

Funded by Agriculture & Investment Services
Ministry for Primary Industries
Manatū Ahu Matua

perrin ag™
NEW ZEALAND AGRI-BUSINESS ADVISORS

Finance

Learning outcomes

- Have an understanding of the finance compliance requirements related to accounting, tax, insurance and payroll.
- Understand your obligations for managing a business and keeping a track record of all your record keeping requirements.
- Know what tax benefits or advantages your farming business may qualify for.
- Know where to find the relevant legislation for business and finance compliance, and other supporting information.
- Understand what changes your farm business might need to implement to comply with financial legislation.

Key compliance actions

- [ ] Ensure your GST, PAYE and income tax returns are being addressed and that your business meets any compliance obligations under the Income Tax Act 2007.
- [ ] Ensure your business has appropriate insurance cover to mitigate any potential risks that may be encountered.
- [ ] Keep a record of all income, expenses and any other financial transactions.

Background

Farming can often be perceived as just an on-farm job, however it requires careful planning, management and financial analysis to ensure profitability and sustainability. It is important that farmers have a good understanding of their business goals and have a business or strategic plan in place to achieve success in their farming business today and in the future.

You may have an accountant, or business manager that looks after the business and financial side of the farming operations. Understanding the elements of business and financial management that you may not directly be involved with is helpful to running a successful farming business.

- Tax: Everyone in New Zealand is required to pay tax on income they earn, whether they're an individual, business or organisation. There are several forms of tax, including income tax (a tax on what you earn) and goods and services (GST) tax (a tax on what you buy). Legislative requirements for these are detailed in the *Income Tax Act 2007* and the *Goods and Services Act 1985.*
- Accounting: In running a business, there are basic accounting requirements which must be met. A farming business will often have large capital and maintenance costs, as well as smaller incomings and outgoing. To ensure that these are all accounted for, a suitable accounting system or software that tracks the business records is necessary. The *Financial Reporting Act 2013* has more details on the requirements under the Act.
- Insurance: For businesses that employ staff, there are some key insurances to be aware of. Workplace accident insurance (ACC) is required to ensure employees are covered in the case of a workplace accident. Information on the insurance requirements can be found in the *Accident Compensation Act 2001*.

  Other forms of insurance may be held by farming businesses to cover damage or loss to farm assets and operations for instance although there is no legal requirement for this. Farmers are, however, required to have a general duty of care to ensure their farming activities do not cause harm to others under the *Health and Safety at Work Act 2015*. Often this comes in the form of public liability insurance.

Legislation

There are several key pieces of legislation that are relevant to operating a farming business. Legislation covered in this module includes:

Financial Reporting Act 2013

The Financial Reporting Act 2013 outlines the requirements for financial reporting by certain entities such as companies, partnerships, and sole traders. In New Zealand, all entities are required to prepare financial statements or group financial statements in accordance with either generally accepted accounting practice (GAAP) or non-GAAP standards.

Farmers should have a good understanding of their accounting and compliance requirements in order to manage their financial obligations. The Act requires farmers to be compliant with the following:

- Record keeping: Holding and maintaining a record of all accounts and activities for seven years. Financial records may include financial statements, a record of the assets and liabilities of the company or accounting records (bank statements and invoices).
- Financial statements: Prepare financial statements including a balance sheet, income statement and cash flow statement.
- File financial reports: Financial reports includes, amongst others, balance sheets, income statements and cashflow statements. It is important these are filed on time to meet the obligations under the Act.

Financial Reporting Regulations 2015

The Financial Reporting Regulations are a set of regulations that support the Financial Reporting Act 2013. The regulations provide detail on the specific requirements for preparing and filing financial statements, which include:

- Providing a disclosure in your financial statements so that auditors (if required) can understand your business's financial position, performance and cash flows.
- Submitting timely filing requirements. Companies, for example, must file their financial statements within ten months after the end of their financial year.
- Record-keeping. Companies and other business structures (e.g., Trusts) may be required to have their financial statements audited so having comprehensive records is important.

There are a number of different penalties for non-compliance under the regulations. These may include late filing fees, criminal offenses, civil penalties or injunctions.

Most of these requirements will likely be managed by your accountant. However, it is useful to check with them to avoid non-compliance and any potential penalties.

Companies Act 1993

The Companies Act has some specific compliance requirements related to the establishment, operation and administration of companies in New Zealand.

This includes record-keeping, reporting and auditing requirements. For some companies, the business may be audited by an independent auditor to ensure the Act requirements are being met. These are typically for large farms with over 25 shareholders, have high turnover, and have subsidiaries and assets valued at over $450,000. Most family-owned businesses do not require an audit. An audit involves assessing the reliability of financial statements.

There are also compliance requirements in the Act that relate to the issues, transfer, management and rights of shares and shareholders. Full details on this can be found in the Act.

Income Tax Act 2007

The specific requirements for how income tax is calculated and paid will differ depending on the business structure and operation.

The Income Tax Act 2007 is administered by the Inland Revenue Department (IRD). Typically, tax compliance requirements are managed by an accountant. To allow these tax compliance requirements to be met, farmers need to:

» Keep an accurate record of income and expenses.

» Understand that IRD may request these records as part of an audit or review and these are required to be up-to-date.

IRD have split farm businesses into two separate categories (Type 1 and Type 2) which have different income tax implications to be aware of:

Type 1 Farm:
A farming business where the value of the farmhouse is 20% or less of the total value of the farm.

Type 2 Farm:
A farming business where the value of the farmhouse is more than 20% of the total value of the farm.

The farm type classification affects the amount of claim costs and deductions available to the owner. It is important to seek professional advice from an accountant or tax advisor to ensure compliance with the Income Tax Act 2007.

Income tax
Businesses are required to file income tax returns, after the end of the financial year. Provisional tax is a form of PAYE for business owners. It is paid in instalments during the year, and is typically paid by taxpayers who are self-employed, own a rental property, earn income as a contractor, from a partnership or have an income source overseas. Provisional tax may also be required when there has been an incorrect tax return, code, or rate used.
The other form of income tax is terminal tax. This is the wash-up tax based on the tax return for the year just been, after provisional tax is accounted for (the last tax instalment for a finished financial year). These payments are typically on the seventh day of the eleventh month following the balance date or 7 April of the following year if you have a tax agent.

Withholding tax
Withholding tax is a type of income tax deduction. It helps businesses and people pay tax on all their income, not just salary or wages. There are some situations where the payer must withhold tax from an income payment and pay it to IRD on the receiver's behalf. This might be the case for a company deducting withholding tax from schedular payments to contractors.

In these situations, it is important that the farm business clarifies with the contractor that they will deduct and pay the withholding tax on the contractor's behalf, but that the contractor will still need to file their own income tax return declaring the amount of withholding tax paid.

Fringe benefit tax
Fringe benefit tax (FBT) is a tax on non-cash benefits provided to employees by their employers. These include items such as company cards, free or discounted goods/ services (e.g., work vehicles used for personal use) or health insurance premiums. The responsibility for paying FBT lies with the employer.

PAYE
Businesses employing staff also need to manage their staff's income tax on their behalf. Employees earning a wage or a salary are taxed directly from their pay using a system called PAYE (pay as you earn). Each pay period, PAYE must be calculated and deducted by the employer on the employees' behalf. The PAYE amount and filing is then sent to the IRD.

Employee allowances
The Income Tax Act sets out several allowances that can be paid to employees. These allowances typically come in the form of expenditure or loss to the person while working for the business, some of which are tax deductible for the employer, and may or may not be included as part of the employee's taxable income. Table 1 provides an example of different types of common farming allowances and their associated tax treatment.

If your business structure changes you may have different tax obligations (e.g., change from sole trader to a partnership or company). It is advised that you discuss the tax implications of changing structure with your accountant or lawyer.

Table 1: Common farming allowances and their relevant tax treatment (Inland Revenue Department, 2018).

Category	Payment or benefit provided	Type of allowance	Tax treatment	
			Employee	Employer
Working dogs	Allowance for food, registration or vet bills	Reimbursing allowance	Exempt	Deductible
Horses	Allowance for food, saddlery and accessories (less than $500), saddlery repairs, vet or farrier's bills	Reimbursing allowance	Exempt	Deductible
Motor bikes and quad bikes	Allowance for depreciation, interest, fuel, tyres (less than $500), servicing or repairs	Reimbursing allowance	Exempt	Deductible
Protective clothing	Allowance for purchase (less than $500) of protective clothing such as boots, chaps, leggings, gloves, and hearing or eye protection	Reimbursing allowance	Exempt	Deductible
Wet weather gear	Allowance for purchase (less than $500) of wet weather gear, such as waterproof coats, hats and leggings	Reimbursing allowance	Exempt	Deductible
Shearing equipment	Allowance for acquisition (less than $500) of hand-pieces or shearing equipment, repairs and maintenance and depreciation of equipment	Reimbursing allowance	Exempt	Deductible
Travel costs	Reimbursement of work travel	Reimbursing allowance	Exempt	Deductible
Rations and stores	Provisions of stores and rations, meat or farm produce	Non-cash benefit	Not assessable	FBT (subject to exemptions) Deductible
	Payment in lieu of stores and rations	Benefit allowance	Taxable	Deductible
Remote location	Allowance for working in a remote location	Benefit allowance	Taxable	Deductible
Dangerous or dirty clothes	Allowance for working in a dangerous or dirty environment	Benefit allowance	Taxable	Deductible

**Reimbursing allowance: an amount an employer pays to an employee as a regular or one-off payment to reimburse the employee for the expenditure they have incurred.*
Benefit allowance: an amount an employer pays to an employee to compensate the employee for the conditions of their services (e.g., working in a remote location).
Non-cash benefit: a benefit that comes in a form other than cash, in this case this is the provision of food to farm workers.
Exempt: the employee is not required to pay tax.
Deductible: an expense an employer can subtract from the gross income.
FBT: Fringe benefit tax is a tax payable when specific benefits are supplied to employees or shareholder-employees (e.g., motor vehicles for private use).

Accident Compensation Act 2001

The Accident Compensation Act 2001 was established to provide people in New Zealand who suffer a personal injury accident compensation.

There are some specific compliance requirements to be aware of:

- The Act requires employers to have workplace accident insurance to cover their employees for work-related injuries or illnesses. This insurance is provided by the Accident Compensation Corporation (ACC). Employers contribute to the ACC levies.
- Employers are required to report any work-related injuries or accidents to their insurance provider, typically within 48 hours of the incident.
- Employers are required to accurately report their employee earnings and pay ACC levies on time to avoid penalties or legal consequences.

Goods and Services Tax Act 1985

The Goods and Services Tax Act (GST) governs the country's goods and services tax system.

The current GST rate in New Zealand is 15%, applied to the final price of the goods and services. Some of the compliance requirements related to the Act include:

- Any business with a turnover of $60,000 or more in any 12-month period is required to register for GST.
- Following registration, businesses must charge GST on their sales at a rate of 15% and issue tax invoices to their customers.

The Act also outlines rules and requirements for claiming input tax credits and filing GST tax returns.

How to meet the regulations

Income Tax Act and GST Act

Within the Income Tax Act 2oo7 and the GST Act 1985, compliance is achieved by ensuring that your business is set up in the system to ensure that all tax and GST is accounted for and attributed correctly. This requires you to:

- Register for a tax identification number (TIN). This is typically done by your accountant providing tax-related services.
- Register for GST through Inland Revenues myIR system or complete a paper application.
- Keep accurate financial records of income, expenses and receipts. This may be via a digital system such as Xero or CashManager, or simply paper copies of all records stored in a safe place.
- File your tax returns on time and pay any taxes owed by the due date to avoid penalties and interest charges. This information should be provided to your accountant or legal professional in advance as agreed. The deadlines are below:
  - Individuals: 7 July or 31 March of the following year if you are linked to a tax agent. This applies to those filing online through IRD's myIR system or paper returns (which is very uncommon).
  - Companies: 7 July or 31 March of the following year if you are linked to a tax agent. This applies to those filing online through IRD's myIR system or paper returns (which is very uncommon).
  - Trusts: 7 July or 31 March of the following year if you are linked to a tax agent. This applies to those filing online through IRD's myIR system or paper returns (which is very uncommon).
  - GST: Returns are filed every one, two or six months depending on the level of turnover. The due date for filing GST returns and payment is 28th of the month following the end of the taxable period, except over Christmas and in April where small extensions apply.

Financial Reporting Act, Companies Act and Financial Reporting Regulations

Key ways to achieve compliance with the Financial Reporting Act, Companies Act and Financial Reporting regulations include:

- Ensure that your financial statements comply with generally accepted accounting practice or non-GAAP standards.
- Work with your accountant or legal professional to disclose any information related to changes in accounting policies, contingencies or other transactions.
- Ensure you are up to date with the deadlines for financial statements to avoid non-compliance. It is recommended you check these with your accountant or legal professional.

Accident Compensation Act

As a business owner, it is important that you comply with some key compliance requirements in the Accident Compensation Act. These are:

- Employers have workplace accident insurance to cover their employees for work-related injuries or illnesses.
- Employers report any work-related injuries or accidents to their insurance provider, typically within 48 hours of the incident.
- Accurately report their employee earnings and pay ACC levies on time to avoid penalties or legal consequences.
- Ensure employees are aware of the requirement to notify ACC of the accident within 12 months of becoming aware of the injury.

Business structure requirements

Depending on your business structure there will be different compliance requirements. The most common business structures are:

- Sole trader
- Partnership
- Limited Partnership
- Company
- Trust

Details on the different compliance required are outlined in Table 2. For more information on other business structures, visit the Inland Revenue website.

Table 2: Key compliance requirements for common farming business structures in New Zealand.

Compliance requirements	Sole trader	Partnership	Limited Partnership (LP)	Company	Trust
Tax	Pay tax on all income you earn from your business activity. Business expenditure can be claimed as a deduction.	Does not pay income tax as a business. All income is distributed between partners who then pay income tax on their share.	Does not pay income tax as a business. Income is distributed between the partners who then pay income tax on their share.	Pay tax on your profits – the income left over after deducting expenses. Different rules apply to how a company and its shareholders pay tax.	Pay tax on a trust's trustee income calculated at a flat tax rate. Alternatively, trusts could be taxed as a beneficiary income.
ACC	Responsible for paying ACC levies.	ACC levies are paid by both the employers and employees. Partners that do not work for the partnership may be exempt from paying ACC levies.	ACC levies are paid by both the employers and employees.	ACC levies are paid by both the employers and employees.	ACC levies are paid by both the employers and employees.
Registration	Do not need to register their business with a government agency. However, you do need to register for GST if your income is over a threshold.	Do not need to register with the NZ Companies Office, but you do need to register for a NZBN and GST if your annual turnover is over a certain threshold.	Must register with the Companies Office and have a partnership agreement in place that complies with the Limited Partnership Act 2008.	Must register your business with the Companies Office and comply with the Companies Act.	Do not need to register with the NZ Companies Office but the trust will need to register with Inland Revenue for a Tax Identification number.

Compliance requirements	Sole trader	Partnership	Limited Partnership (LP)	Company	Trust
Reporting	Sole traders are required to file annual financial statements and submit this information with their tax return.	Do not need to file annual financial statements but do need to keep accurate records.	Annual financial statements must be prepared, and an annual return must be filed by the general partner(s) to the Companies Office.	Annual returns must be filed with both the Companies Office and Inland Revenue.	May be required to file annual financial statements with the Companies Office.
Liability	Unlimited personal liability	Unlimited personal liability	The general partner(s) is liable for all debts and liabilities incurred by the LP, while the limited partners are only liable to the extent of their capital contribution (provided they do not partake in management of the LP).	Limited liability	The trustee is generally personally liable for the trust's debts and obligations.
Governance	No board as the business is operated by the owner.	No board of directors but partners are jointly responsible for managing the business.	The LP consists of at least one general partner (responsible for day-to-day management, often a company) and at least one limited partner. The LP does not require a board of directors, but a company that is the general partner does.	Require a board of directors	Managed by a trustee or trustees who have a fiduciary duty to act in the best interests of the beneficiaries

Sources for further information

NZ Legislation

Website providing all NZ legislation including the Financial Reporting Act 2013, Financial Reporting Regulations 2015, Companies Act 1993, Income Tax Act 2007, Accident Compensation Act 2001, and the Goods and Services Tax Act 1985.

Inland Revenue – Dairy Farming

A guide to the GST and PAYE obligations of dairy farmers.

Inland Revenue – Tax Obligations

Setting up a business or organisation and the related tax obligations.

New Zealand Companies Office – Annual Returns

Information on filing an annual return and what happens if you don't file your return by the due date.

Your accountant or financial advisor

Inland Revenue – Income and Withholding tax

Information regarding income and withholding tax for individuals, businesses, organisations.

Tools and resources

Inland Revenue – Calculators and tools

Calculators and tools for working out tax, PAYE deductions and employer resources.

Inland Revenue – PAYE calculator

PAYE calculator to work out salary and wage deductions.

Self-check: business compliance

Actions to meet income tax and GST legislation

- ☐ Register your business for Tax and GST.
- ☐ Meet the deadlines for submitting tax and GST and FBT returns.
- ☐ Keep accurate financial records of income, expenses and receipts.

Actions to meet financial reporting and companies legislation

- ☐ *Ensure your financial statements comply with generally accepted accounting practice or non-GAAP standards*
- ☐ *Keep accurate financial records in a suitable accounting system to supply to your accountant.*
- ☐ *Check deadlines for financial statements with your accountant or legal professional.*

Actions to meet ACC legislation

- ☐ Ensure you have workplace accident insurance to cover employees for work-related injuries or illnesses.
- ☐ Ensure workplace accidents and incidents are reported within the required timeframes.

8

FARM REGULATION REFERENCE GUIDE

Processor

Funded by Agriculture & Investment Services
Ministry for Primary Industries
Manatū Ahu Matua

perrin ag™
NEW ZEALAND AGRI-BUSINESS ADVISORS

Processor

Learning outcomes

- Understand why processors have minimum terms of supply.
- Understand the difference between terms of supply and incentive programmes.
- Know where to go to find further information on processor supply requirements.

Key compliance actions

- [ ] Understand the compliance requirements for the processing companies the farm business supplies.
- [ ] Ensure farm practices are carried out in accordance with minimum terms of supply.
- [ ] Keep records that demonstrate compliance with the relevant terms of supply.

Background

» Along with regulatory compliance, farm businesses supplying milk and/or meat to processing companies will typically have additional "processor compliance" requirements that must be met.

» Similarly, horticultural farms supplying fruit and/or vegetables will typically need to meet industry accreditation schemes to be able to supply to domestic or international markets.

» Baseline compliance requirements are often referred to as "terms of supply". These are the minimum compliance items that must be met for product to be purchased and processed from the farm and largely reflect food safety, product traceability and industry regulation (e.g., animal welfare, biosecurity, employment, health & safety, and environmental legislation).

» There may also be additional minimum terms of supply that are required to meet the requirements of specific countries that the company is exporting to, or to fulfil other legal or commercial obligations.

» If a farm is deemed not to be complying with the terms of supply, the processor can make deductions from payments, undertake follow-up assessments, put the farm on performance management, reject or stop collection or processing of a product, and notify the relevant authority where there is a significant breach of regulation.

» Baseline compliance is typically monitored through the provision of records to the processor and completion of on-farm assessments. The on-farm assessment is completed to verify information provided, inspect the premises to ensure it meets food safety regulation and, for dairy farms, the code of practice for the design and operation of farm dairies.

  For example:

  - *dairy farmers supplying Fonterra are required to provide annual information on food safety practices and procedures and basic farm dairy records, as well as allow an annual on-farm assessment to occur to inspect the dairy area and verify records. Similar measures are also required by other dairy companies.*
  - *horticultural growers supplying to domestic markets must comply with The Food Act 2014 and, in many cases, also meet NZGAP standards (e.g., if supplying retailers such as Foodstuffs, T&G and Progressive), while those supplying to international markets are required to meet GlobalGAP standards.*

» Processors exporting meat to the European Union also have additional compliance requirements that must be met for animal product to enter the market. This requires that processors only source animals from farms that are compliant with the Animal Products Act 1999, including notices issued under the Act.

- On-farm verification audits are the key pathway to demonstrate compliance and are carried out by registered veterinarians working for MPI at an export processor. The on-farm verification audits check for compliance under the NAIT and TBfree programmes and that animal welfare requirements are being met. The verifier will also check for auditable records regarding agricultural compounds, veterinary medicines and agri-chemicals. This will include checking that withholding periods are being adhered to and that treatment records line up with Animal Status Declaration (ASD) forms.
- In many cases, processors also have additional requirements related to incentive schemes which allow a farm to receive a premium for their product. These are requirements over and above what is needed to supply the processor, are typically voluntary to engage with, and help the processor enter niche markets for certain products.
- Over time, terms of supply and incentive schemes update to reflect new items of legislation, market requirements or continuing good practice.
- The best way to find out more information on individual processor compliance requirements (e.g., terms of supply) and incentives schemes is to contact your processor representative or visit the company's farmer portal or webpage.

Self-check: processor compliance

Actions to meet processor compliance

- ☐ Comply with your processor's minimum terms of supply by:
  - ☐ Checking you have up-to-date information on what the terms of supply are for each company you supply product to by phoning your supply company representative or checking out their webpage.
  - ☐ Checking what records are required to be kept, how these must be submitted and within what timeframe
  - ☐ Ensuring farm practices and premises meet the relevant minimum terms of supply.