

FACTSHEET

B+LNZ & Federated Farmers' assessment of the new essential freshwater rules

18 August 2020

The following is a summary of the Government's new essential freshwater ('Action for healthy waterways') regulatory requirements/rules announced on 5 August 2020.

The rules are set out across a range of regulations covering stock exclusion from waterbodies, rules around managing at-risk farming practices like winter grazing, land use change, and new limits for water bodies.

The new rules will be implemented by both central government and regional councils.

The new rules in the stock exclusion regulations and National Environmental Standards for winter grazing, stock exclusion, land use change etc will apply from **3 September 2020**, and will be phased in over time. See Appendix One for a list of the rules.

The changes to the National Policy Statement for Freshwater Management (NPS-FM) will be implemented by regional councils as they review and, if required, update their regional and catchment plans. Regional councils will have **4 years** to work with their communities on putting into place the new NPS-FM requirements and **another 2 years** to have these operative.

This factsheet focuses more on the rules that will apply from 3 September as we are still working with the NPS-FM, which has a longer timeframe.

B+LNZ and Federated Farmers want to thank all farmers who took the time to provide feedback to our organisations and the Government over the last year.

While the outcome is far from perfect, we did achieve improvements on what was originally proposed in areas like grandparenting (where they removed the freshwater module to the farm plan, and narrowed the limitations on land-use change) and improved rules around stock exclusion.

There are, however, areas where we still have significant issues such as:

- The stringent permitted activity standards for winter cropping and grazing, and grandparenting of this activity for those that need a consent is problematic.
- The accuracy of the national-scale map which identifies the parts of a farm that require stock exclusion, or not, from rivers or lakes.
- The significant changes to the NPS-FM which will impact on the way regional councils manage farming and freshwater health moving forward.

Over the coming months our organisations will be engaging both nationally and regionally with a focus on the implementation of the rules that apply from 3 September to:

- ensure implementation is consistent across the country,
- assist with the practical implementation of the new rules,
- support streamlined consenting processes where required, and
- work with farmers and communities to ensure they have clarity about what is required by who and when, enforcement, and options.

The longer-term implications of changing requirements on farmers to manage freshwater ecological health will come through the regional and catchment plans as they enact the NPS-FM.

We will be encouraging farmers to be active in working with their communities and regional councils over the next 3-5 years to shape these regional plans and ensure the plans are workable, enable flexibility and innovation, and that the rules are matched to environmental risk.

We will also be engaging directly with regional councils, farmers and communities to help guide the future of land and freshwater management, in ensuring that the vision of the red meat sector is supported and pathways enable profitable resilient farming business and thriving rural communities.

All details on the Government's policy announcements can be found here:

www.mfe.govt.nz/fresh-water/national-policy-statement/about-nps

Copies of the regulations can be found here:

[National Policy Statement Freshwater Management \(NPS-FM\)
www.mfe.govt.nz/publications/fresh-water/national-policy-statement-freshwater-management-2020](http://www.mfe.govt.nz/publications/fresh-water/national-policy-statement-freshwater-management-2020)

[National Environmental Standards \(NES\)
www.mfe.govt.nz/fresh-water/freshwater-acts-and-regulations/national-environmental-standards-freshwater](http://www.mfe.govt.nz/fresh-water/freshwater-acts-and-regulations/national-environmental-standards-freshwater)

[Stock exclusion regulations
www.mfe.govt.nz/fresh-water/freshwater-acts-and-regulations/stock-exclusion-regulations](http://www.mfe.govt.nz/fresh-water/freshwater-acts-and-regulations/stock-exclusion-regulations)

[Farm Plan regulations
www.mfe.govt.nz/fresh-water/freshwater-acts-and-regulations/regulations-freshwater-farm-plans-and-reporting-of-sales](http://www.mfe.govt.nz/fresh-water/freshwater-acts-and-regulations/regulations-freshwater-farm-plans-and-reporting-of-sales)

[Irrigation monitoring regulations
www.mfe.govt.nz/fresh-water/freshwater-acts-and-regulations/measurement-and-reporting-of-water-takes-regulations](http://www.mfe.govt.nz/fresh-water/freshwater-acts-and-regulations/measurement-and-reporting-of-water-takes-regulations)

New 360 regulations for stock exclusion from waterbodies

Stock exclusion

The following is a summary of the key stock exclusion rules which come into force on **3 September**, but will be phased in over time as set out below:

- From 2023 (regardless of slope) all dairy cattle must be excluded from lakes and rivers more than 1 metre wide and all dairy support from 2025.
- From 2023 (regardless of slope) all cattle and deer must be excluded from lakes and rivers more than 1 metre wide, where land is used for fodder-cropping, breakfeeding or grazing on irrigated pasture.
- Wetlands (regardless of slope) already identified in a regional or district plan must have cattle, deer and pigs excluded by 1 July 2023. Otherwise, cattle, deer and pigs must be excluded by 1 July 2025.
- On land mapped as low slope (which is supposed to be “less than 10 degrees slope”) beef cattle and deer must be excluded from lakes and rivers more than 1 metre wide by 1 July 2025.
- Extensively farmed beef and deer on land not mapped as low slope are not required to exclude animals from lakes and rivers.
- Land identified as low slope can be viewed on the Ministry for the Environment’s website: <http://tiny.cc/7h2psz>
- All required animals must be set back from the edge of the lake or river by 3 metres.

The stock exclusion rules do not apply to sheep.

It is the responsibility of the person who ‘owns or controls stock’ to comply with these rules.

If animals have to cross the waterway, they can only do so via a dedicated bridge or culvert or only cross (with supervision) twice within one month.

If there is already a fence on 3 September 2020 that excludes animals from the waterway, the existing fence line can remain in place (even if it is closer than 3 metres from the edge of the waterway).

Comment

We are pleased with some of the changes the Government made to some of the stock exclusion rules during the process. For example not requiring existing fences to be moved, limiting identified rivers to 1 metre or wider, and exclusion of extensive farming systems on land outside of mapped low slope areas from the stock exclusion requirements.

However, there are still issues with the rules. In particular, there are significant issues with the accuracy of the Government’s national scale map that is the main determinant of whether a farmer needs to fence or not fence.

We have heard from farmers that some very steep parts of their farm are classified as ‘low slope’ in the map and would need to be fenced and vice versa. This will be very difficult and expensive for some farmers to work through.

This is something we will be engaging on over the coming months to find a practical way forward. We encourage farmers to engage with their regional council on establishing how they intend to implement the rules and in shaping regional based stock exclusion requirements through regional plans.

New National Environmental Standards

There are new rules which apply to farming and freshwater that apply across the country from **3 September**.

These are broad-ranging and will impact almost every farm business. They will be especially important for farmers who farm on lower slope properties, have feedpads or other stock holding areas, want to intensify their land uses, graze stock over winter on forage crops (particularly on slopes), or apply significant amounts of nitrogen fertiliser.

Certified Freshwater Farm Plans

Although not a requirement for all farming systems in this set of rules, a Certified Freshwater Farm Plan will be a mandatory requirement over time, focusing first on at-risk catchments.

Certified Freshwater Farm Plans will need to be reviewed by an expert, audited and adjusted over time.

Comment

The Government has removed the prescriptive freshwater module to the farm plan (FW-FP) and, as such, removed some of the worst elements of its original proposal such as the grandparenting requirements to not increase losses (sediment, phosphorus, nitrogen, and *E. coli*) on the farm.

However, there is still a lack of clarity about what the certified farm plans will look like and how quickly they will be in place.

This has implications for farmers undertaking winter cropping and grazing, or using stock holding areas or feedpads etc. They will have to seek a consent for these activities unless they have a certified farm plan.

The Government has agreed to work with industry on the development of the farm plans and says it supports an industry-led approach. We will be leading the development to ensure farm plans are practical and outcomes-based.

Feedpads and stock holding areas

When managing stock intensively on a feedpad or in a stock holding area, farmers have to ensure that they effectively manage the effluent, ground permeability, location away from waterways, and farm planning activities.

Feedlot means a stockholding area where cattle:

- (a) are kept for at least 80 days in any 6-month period, and
- (b) are fed exclusively by hand or machine.

Stockholding area:

(a) means an area for holding cattle at a density that means pasture or other vegetative ground cover cannot be maintained (for example, feedpads, winter pads, standoff pads, and loafing pads), but

(b) does not include an area used for pastoral purposes that is in the nature of a stockyard, milking shed, wintering barn, or sacrifice paddock.

Feedlots will need a resource consent and should meet the following minimum standards. Stockholding areas are permitted if they have a certified freshwater farm plan, or where the activity meets the following standards, otherwise they need a resource consent:

- manage the permeability of the base area so that it is sealed to a minimum permeability standard of 10^{-9} metres per second,
- collect, store and dispose of effluent in accordance with regional council regulations or a current discharge permit,
- situate the stockholding area at least 50 metres away from waterbodies, water abstraction bores, drainage ditches and coastal marine areas.

If you have, or plan to create, a stockholding area that does not meet these minimum standards, then from winter 2021 you will need to apply to the regional council for a resource consent.

Comment

The rules will not apply to calf-raising, but only to areas holding cattle older than 4 months and above 120kg in weight. However, yard weaning (calves over 4 months of age or 120kg) is being regulated as 'stock holding area' and will be required to meet the standards by 3 September 2020, or be consented from 2021.

Land use change

Changes from **3 September** from a less intensive land use to a more intensive land use will require a resource consent if the area converted is greater than 10ha.

This includes conversion from forestry to pasture, from pasture into dairy or dairy support, as well as increases in irrigation for dairy.

These land use changes will only be consented if the activity can demonstrate that environmental impacts will not increase contaminant discharges or loads at a catchment level.

These rules only last until 2025 at a maximum and will be superseded when a regional council puts their own plans in place. However, any consent granted under the national rules can last until 2031.

Comment

The Government narrowed the restrictions on land use change from the original proposal which would have also restricted the ability to change from sheep and beef into arable or horticulture.

The narrowing of the land use change restrictions provides ongoing flexibility for changes within farming systems, diversification, and land use changes where the effects can be managed.

While it is good that the Government has narrowed the restrictions on land use change, philosophically we do not agree with targeting specific land uses as it is a blunt instrument and is not targeted to environmental outcomes.

We will be looking to see more tailored and effects-based approaches to managing land use change through regional plans rather than the continued reliance on national policy.



Intensive winter grazing

Grazing stock on a winter forage crop (1 May to 30 September in any one year) is permitted where the following standards can be achieved. Hill country farms (land over 10 degrees slope) and farms which are unable to meet the permitted activity standards will need a resource consent by 1 May 2021.

To be permitted the following standards must be met:

- No more than 50ha or more than 10 percent of the property, whichever is the greatest - ie for a property of 1000ha, the threshold will be 100ha, whereas on a property of 300ha, the threshold is 50ha.
- The cropped paddock that has a mean slope of 10 degrees or less.
- The crop is set back by 5 metres or more from waterways.
- Pugging is not deeper than 20cm. Pugging covers no more than 50 percent of the paddock, regardless of depth.
- Paddocks are resown by 1 October (1 November if in the Otago or Southland regions). All winter cropping needs to be resown as soon as practicable.

OR

- The activity has a Certified Freshwater Farm Plan.

If consent is required then it will only be granted by the regional council if the area of winter forage crop is not more than the greatest extent of area under winter forage crop from 2014–2019.

Comment

The winter grazing rules are the ones with the most immediate effect as farmers are already starting to think about paddock and crop selection for next winter.

Farmers will need to think through what the new rules mean before they start to plant, though consents don't need to have been applied for until next year before winter.

The rules are stringent. All winter grazing on a mean slope greater than 10 degrees will need to seek a consent, and the area cannot be greater than what has already been under a winter forage crop from 2014-2019.

Even on lowland, most farmers are likely to need to seek a consent because of the pugging rule and need for a certified farm plan and in this case will also be caught by the grandparenting provisions which will not allow winter grazing to be more than previous years.

Nitrogen fertiliser cap

The Government has introduced a national synthetic nitrogen fertiliser cap of 190kg/N/ha/year, which will apply to all pastoral sectors, with dairy farmers being required to report annually to councils the weight of nitrogen applied per hectare across a single 20ha area. Alternative forms of nitrogen, like compost, are able to be used however.

Comment

This is an input standard approach, rather than effects approach, which we are uncomfortable about. It is highly unlikely to affect sheep and beef farmers, but may impact on some dairy. It does not apply to arable or horticulture production.

Wetland management

For already identified wetlands, stock (not sheep) need to be excluded by 1 July 2023. Newly (after 3 September 2020) regional council-identified wetlands need to be have stock (not sheep) excluded by 1 July 2025.

Wetlands that stock need to be excluded from are classified as 500 sq metres or larger, but councils may also include smaller wetlands where they have particular value.

Disturbance in or around wetlands (within 10 metres) requires that the relevant council is given at least 10 days' notice of the activity. It is also likely that a consent will be required, but there are some exemptions.

Comment

Restoration or research projects, maintenance of infrastructure, arable land use, sphagnum moss harvesting, and clearance of debris as a result of natural hazards (like floods) can occur without a resource consent as long as standards are met. Some things, like the use of explosives, are forbidden.

It is best to check with your regional council's consent advisor about whether your planned activities would require a consent or not.



Irrigation

From 2023 existing irrigation consent holders who take 5-20 litres of water/second or more must:

- measure their water use every 15 minutes,
- store their records, and
- electronically submit their records to their council every day.

Comment

For some irrigators this is a big change from their existing practices.

National Policy Statement for Freshwater Management

The NPS-FM sets out what regional councils have to do in managing land and freshwater health, which includes working with their communities. Regional councils will have 3 years to have regional plans in place which give effect to the NPS-FM and a further 2 years to have the rules in force.

The NPS-FM sets mandatory values for freshwater such as freshwater ecological health and Te mana o te wai, and numerical freshwater quality bottom lines which must be achieved.

A decision was made to not introduce a new bottom line for nitrogen to manage ecosystem health (Dissolved Inorganic Nitrogen - DIN). However, it has been indicated that this will be revisited following the general election and once further scientific advice is received.

New bottom lines are now in place for sediment which will have implications for hill country farming in particular.

Regional councils have been given the flexibility to set Dissolved Reactive Phosphorus (DRP) limits in their plans based on their specific regional situation and reduce these over time in partnership with their communities, instead of adhering to an across-country bottom line.

Comment

While there were improvements in a number of areas from the original proposals, we are still concerned about some changes to the NPS-FM which will impact on the way regional councils manage farming and freshwater health moving forward.

There is, for example, a new concept in the NPS-FM that regional councils need to meet a baseline year eg 2017 or earlier for water quality, and any movement from this level is considered to represent degradation and therefore has to be addressed.

This is a fundamental change in approach, which will have significant implications for our communities when it is applied in regional plans. It will take some time to work through the changes and we will be engaging closely in the regional processes over the coming years.



Next steps

Over the next couple of months we will be focused on providing advice to farmers on the new rules, what changes you'll need to make, and when.

This includes a strong focus on developing farm plan templates, guidance, and implementation processes.

We are working on more detailed factsheets on some of the specific rules that will apply from 3 September, with a particular focus on winter grazing. Further information can be found on the B+LNZ and the Federated Farmers websites.

We will be engaging with regional councils to understand how the rules will be applied on the ground and how the consenting processes can potentially be streamlined, given there is likely be a high number needing to be processed.

We will also be engaging intensively with the Government in the development of the certified farm plans.

Longer term we will continue to work with regional councils to support the development of regional and catchment plans which are co-built with farmers, and which enable innovation and adaptation, where the regulatory bite is minimised, and profitable resilient farming business and thriving rural communities are empowered.

The environment is a top priority for our organisations.

We will continue to advocate for sensible policy outcomes that work both for the environment and for farmers, and that recognise the good work that's already happening.



www.beeflambnz.com



www.fedfarm.org.nz

Essential freshwater in a nutshell

This table was developed for farmers. B+LNZ has summarised the key parts of the essential freshwater package so you can quickly understand how the changes might affect your farming operation.

Note: Most of these rules apply to farms with pastoral or arable crops 20ha or larger and horticulture 5ha or larger

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

	Rule		Activity status	Standards/conditions
NES-FW Part 2, Subpart 1 - Feedlots and other stockholding areas				
Regs 9-11	Feedlots			
	Defined as an area where cattle are kept for at least 80 days out of a 6 month period AND are fed exclusively by hand or machine		Permitted	90% of the cattle held in the feedlot are younger than 4 months old OR 90% of the cattle held in the feedlot are 120kg or less
			Discretionary	Consent is required if the above can't be met. To receive a consent (not guaranteed): - The base area has a minimum permeability standard of 10^{-9} m/s AND - Effluent from feedlot is collected, stored, and disposed of based on plan rule or resource consent AND - Feedlot is at least 50m away from any waterbody or drinking water source
Regs 12-14	Other areas			
	Defined as an area where pasture or other ground cover can't be maintained but doesn't include like stockyards or sacrifice paddocks	Younger cattle	Permitted	90% of the cattle held in the feedlot are younger than 4 months old OR 90% of the cattle held in the feedlot are 120 kg or less
		Older cattle	Permitted	Farm has a certified freshwater farm plan and it states that any adverse effects are not greater than expected AND The base area has a minimum permeability standard of 10^{-9} m/s AND Effluent from feedlot is collected, stored, and disposed of based on plan rule or resource consent AND Feedlot is at least 50m away from any water body or drinking water source
			Discretionary	Consent is required if the above can't be met and the granting of a consent is not guaranteed.

Note: These rules don't expire and consents can be limited to any time period.

NES-FW Subpart 2 - Agricultural intensification				
Regs 15-25	Land use change			
	Relates to all land conversions, regardless of the size of the original farm	Forestry to pasture and pasture to dairy, dairy to irrigated dairy	Permitted	Conversion is 10ha or less as compared to the reference period (2014-2019)
			Discretionary	Conversion is greater than 10ha as compared the reference period (2014-2019) AND There is no a detrimental impact on the overall water quality at the catchment level
		Changing land to be dairy support land	Permitted	No change in the amount of land used for dairy support as compared the reference period (2014-2019)
			Discretionary	Consent is required if the above can't be met. To receive a consent (which is not guaranteed): - Council should consider whether there is an increase in pollutants or concentration in pollutants at a catchment level.

Note: The limit on increasing the amount of land used for winter grazing expires in 2025 and consents for winter grazing can only be granted until 2031.

	Rule		Activity status	Standards/conditions
NES-FW Subpart 3 - Intensive winter grazing				
Regs 26-31	Intensive winter grazing			
	Intensive winter grazing includes the grazing of livestock (even sheep) on an annual forage crop between 1 May and 30 September		Permitted	<p>Winter grazing is only permitted if the following conditions are met: Farm has a certified freshwater farm plan and it states that any adverse effects are not greater than expected OR Area used for winter grazing is 50ha or less AND Area used for winter grazing is less than 10% of the area of the farm AND Pugging isn't more than 20cm deep AND Mean slope of paddock is <10degrees AND Less than 50% of the paddock is pugged (regardless of depth) AND Stock are kept at least 5m back from a waterway AND Paddock is resown by 1 October (1 November in Otago and Southland) if not earlier</p>
			Restricted Discretionary	<p>Consent is required if the above can't be met and the granting of a consent isn't guaranteed. If consent is required, winter grazing can't be larger than the greater extent used between 2014-2019. Council can only determine their decision based on: - The negative effects on freshwater/ecosystem health as compared to 2 September 2020, drinking water, Te Ao Maori, or erosion risk, as well as the timing of winter grazing.</p>
<p><i>Note: The limit on increasing the amount of land used for winter grazing expires in 2025 and consents for winter grazing can only be granted until 2031. The low slope map for stock exclusion does not apply to the winter grazing rules.</i></p>				
NES-FW Subpart 4 - Application of synthetic nitrogen fertiliser				
Regs 32-36	Nitrogen cap			
	Synthetic nitrogen fertiliser is defined as being >5% N by weight and does not include alternative sources of N like compost		Permitted	<p>Less than 190kg/ha/yr applied on average. Dairy farmers need to give councils details on their total land area, the area used for dairy, the area used for annual forage crops, receipts for synthetic nitrogen used, the types of fertiliser used, and rate of application, and the dates of application.</p>
			Non-complying	<p>More than 190kg/N/ha/yr applied on average. Information required from dairy farmers isn't given to council on time or correctly. Consent can be given until 1 July 2023 if: - A synthetic nitrogen reduction plan is created and complied with - N fertiliser use is reported to the council every year Consent can be given for 5 years from application if: - A suitably qualified and experienced person outlines the use of good management practices, AND - Ensures that the rate of N entering waterways isn't greater than what was entering previously.</p>
<p><i>Note: these rules are in addition to any existing council rules on nitrogen use or discharges.</i></p>				
NES-FW Part 3				
Regs 37-56	Wetlands and in-stream construction			
	Wetland disturbance		Permitted	Vegetation clearance within 10m, disturbance/earthworks within 10m, and water diversion/damming/discharge within 100m if done for restoration or research purposes
			Restricted Discretionary	Consent is required if the above can't be met. Council can make a decision to grant a consent based on only a limited set of reasons, but these are pretty wide-ranging.
Regs 56-74	Culverts, dams, weirs, flap gate, and form construction		Discretionary	Check with your local regional council before you disturb the bed or banks of any waterway and get some expert advice and make a plan about what is required if you want to build a structure based on these new rules.

Resource Management (Stock Exclusion) Regulations 2020

Stock exclusion regulations

Note: Anyone who owns or controls stock must follow these rules. Also, a waterway classified under these rules only has to have a defined bed and be at least 1m wide at any point on the parcel of land within a property and stock have to be excluded along the entire length of it. This means that stock need to be excluded even if water isn't flowing at the time. Stock can cross the waterway no more than twice within a given month period and must be supervised while doing so.

All slopes	Dairy cattle and pigs	3m setback from waterways >1m wide required by July 2023 for existing farms and from 3 September 2020 for newly developed farms
	Dairy support cattle	3m setback from waterways >1m wide required by July 2025 for existing farms and from 3 September 2020 for newly developed farms
Land identified as having <10degrees slope	Cattle and deer	3m setback from waterways >1m wide across the entire parcel (regardless of slope) by July 2025 and from 3 September 2020 for newly developed farms
Wetlands already identified by councils	Cattle, dairy cattle, dairy support cattle, deer, and pigs	3m setback from a wetland >.05ha required by July 2023 and from 3 September 2020 for newly developed farms
Wetlands not yet identified by councils		3m setback from a wetland >.05ha required by July 2025 and from 3 September 2020 for newly developed farms
Wetlands (identified or not) on low slope identified land	Cattle, dairy cattle, dairy support cattle, deer, and pigs	3m setback from a wetland >.05ha by July 2025 and from 3 September 2020 for newly developed farms

Resource Management (Farm Planning and Irrigation) Regulations 2020

Farm plan regulations

Farm plans aren't required by all farmers now, but they could be soon. Some activities, like intensive winter cropping and intensive grazing will need a certified farm plan to continue without applying for a consent within the year.

Over the next 12-plus months, the Government will work with us and other interested groups to develop new regulations. The new regulations will set out requirements for freshwater farm plans and timeframes for when these plans are required where.

A farm plan needs to:

- outline how a farm operator will avoid and reduce impacts on freshwater systems AND
- provide clear and measurable milestones to accomplish over time
- be certified by someone approved by council who ensures the farm plan is up to standard
- be audited by someone approved by council and adjusted if anything is found lacking

Irrigation monitoring regulations

Applies to current resource consent holders who take between five and more than 20 litres of water/second

Measure every 15 min, record, and submit records within a year

- 2 years if taking more than 20L/sec
- 4 years if taking 10-20L/sec
- 6 years if taking 5-10L/sec

Activity descriptions

PERMITTED ACTIVITY

A permitted activity can be carried out without the need for a resource consent so long as it complies with any requirements, conditions and permissions specified in the Resource Management Act, in any regulations, and in any applicable plans or proposed plans. A building permit will usually still be required if the activity is a building. In these new regulations, councils can also charge for the monitoring of permitted activities.

CONTROLLED ACTIVITY

A controlled activity requires a resource consent before it can be carried out. The consent authority must grant consent for a controlled activity, unless:

- The consent authority can impose conditions on the consent, but only for those matters over which the council has reserved control in the relevant plan or over which control is reserved in national environmental standards. The activity must also comply with any requirements, conditions and permissions specified in the Resource Management Act, regulations or relevant plan,
- The activity is likely to have adverse effects that are more than minor on the exercise of a protected customary right and no exception applies.

RESTRICTED DISCRETIONARY ACTIVITY

A restricted discretionary activity requires a resource consent before it can be carried out. The consent authority can exercise discretion as to whether or not to grant consent, and to impose conditions, but only in respect of those matters over which it has restricted its discretion in the plan or over which discretion is restricted in national environmental standards or other regulations. The activity must also comply with any requirements, conditions and permissions specified in the Resource Management Act, regulations or relevant plan.

DISCRETIONARY ACTIVITY

A discretionary activity requires a resource consent before it can be carried out. The consent authority can exercise full discretion as to whether or not to grant consent and as to what conditions to impose on the consent if granted. A discretionary activity must also comply with any requirements, conditions and permissions specified in the Resource Management Act, regulations or relevant plan.

NON-COMPLYING ACTIVITY

A non-complying activity requires a resource consent before it can be carried out. A resource consent can be granted for a non-complying activity, but first the applicant must establish that the adverse effects of the activity on the environment will be minor or that the activity will not be contrary to the objectives of the relevant plan or proposed plan (the 'threshold test'). Any effect on a person who has given written approval to the application will not be considered. In addition, the consent authority may disregard an adverse effect of the proposed activity if the plan permits an activity with that effect (the 'permitted baseline' test). If the threshold test is met, the consent authority can exercise full discretion as to whether or not to grant consent and as to what conditions to impose on the consent if granted. Non-complying activity status is a way for a council to signal that activities will be subject to a greater degree of scrutiny and indicates to the community areas where some activities are unlikely to be appropriate.

PROHIBITED ACTIVITY

A prohibited activity may not be carried out. In addition, no resource consent can be sought or granted to authorise the activity.
