

## Major freshwater reforms released for consultation

**On 5 September 2019 the Government released the latest part of the Essential Freshwater package for consultation. The proposal seeks to stop further degradation and reverse past damage of New Zealand's freshwater resources, and has potential implications for all of those who use or manage freshwater.**

The package includes three proposed management documents – a replacement National Policy Statement for Freshwater (NPS), proposed National Environmental Standards for Freshwater (NES) and draft Regulations for stock exclusion from waterways. The discussion document also seeks feedback on a range of other high level proposals. That feedback will inform development of detailed proposals, which will then be the subject of further consultation.

The deadline for submissions on the proposals is 5pm on Thursday 17 October.

### Draft National Policy Statement for Freshwater

The draft NPS sees a focus on Te Mana o te Wai (the integrated and holistic well-being of the water), and an over-arching objective to manage resources within a hierarchy of priorities: first, the health and well-being of waterbodies and freshwater ecosystems; second, the essential needs of people; and third, other consumption and use. Key components of the NPS include:

- Retention of the National Objectives Framework, with the introduction of new attributes for management, including nitrogen, phosphorus, sediment, and fish and macroinvertebrate numbers. Regional councils will now be required to prepare action plans to

address deterioration or failure to achieve environmental outcomes for specified attributes.

- A range of Specific Requirements imposing requirements on regional councils to prevent loss of wetlands and streams, provide for fish passage (including a work programme for remediation of existing structures), manage primary contact sites (particularly for swimming in summer), operate freshwater accounting systems, and undertake assessment and reporting.
- Exemptions from some management requirements for listed major hydro-electric schemes, to support renewable energy targets.

### Proposed National Environment Standard for Freshwater

The proposed NES aims to reduce the effects of farming on rivers, lakes, wetlands, and groundwater. It is intended to act as an interim measure to effect immediate change, while regional plans are being revised to implement the proposed NPS. Key components of the NES include:

- Standards for a range of activities in and around freshwater bodies, including earthworks, vegetation removal, water takes, river bed infilling, and river modifications affecting fish passage.
- Standards for farming, which would apply to pastoral and arable farms over 20 hectares and horticultural farms over 5 hectares. The proposal includes standards for activities such as intensive winter grazing, feedlots, and stock holding areas; and tight restrictions on intensification and land use change, which require no increase in discharge of nitrogen, phosphorus, sediment and microbial pathogens. Reductions in nitrogen losses are also proposed in identified catchments, to be achieved by one of three options: a catchment cap on nitrogen loss; a national nitrogen fertiliser cap; or requirements to demonstrate nitrogen reductions in farm plans.

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- The NES proposes that farms be required to have a Freshwater Module in a Farm Plan (FW-FP). The FW-FP must contain a risk assessment and corresponding actions to avoid, remedy, or mitigate the loss of contaminants. Timeframes for compliance are staged, with all farmers and growers required to have a certified FW-FP in place by the end of 2025.

### Draft Stock Exclusion Regulations

Excluding stock from waterways is proposed to protect waterbodies from pollution. The proposal is two tiered, with larger waterbodies more than 1 metre in width managed through National Standards and Stock Exclusion Regulations, and smaller waterbodies managed through farm specific FW-FPs. Oversight and enforcement of the Regulations and Farm Plans will be through regional councils.

The Draft Stock Exclusion Regulations set fencing, minimum setback and crossing requirements:

- The proposed Regulations apply to all 'low-slope' land as well as 'non-low-slope' land used for 'high-risk pastoral activities', or where the land exceeds a set carrying capacity.
- Waterbodies on land used for dairy, dairy support cattle, beef cattle, pigs and deer must be fenced with a minimum setback of 5 metres width on average across the property and 1 metre at any point.
- Waterbody crossings of dairy and beef cattle and pigs are not permitted unless limited to twice a month or at a dedicated culverted or bridged cross point.
- Implementation requirements vary but are generally immediate for new systems, by July 2021 for dairy cattle and pig farms and by July 2023 for other stock farms.

For smaller waterbodies the FW-FP must include a farm specific plan for fencing and setbacks, and an implementation timetable.

### Other proposals

Feedback is also sought on a range of high level proposals which will form part of further work streams, including:

- Amendments to the RMA to speed up the process for regional councils to develop and implement regional water management plans, which would see decisions made by specialist Government appointed freshwater commissioners (Amendment Bill to be introduced to Parliament in the coming months).
- Revisions to the Drinking Water NES to strengthen requirements to assess and control risks to drinking water sources (further consultation anticipated mid-2020).
- A new Wastewater NES and new Water Services Act, to set minimum standards for wastewater discharges and overflows and require all operators to follow good practice risk management (further consultation anticipated mid-2020).

The discussion document also refers to a range of other work streams which will interact with or contribute to broader reform of the freshwater management system, including:

- Development of a system for allocation of nitrogen discharge allowances.
- Wider reform of the resource management system, addressing key topics of urban development, environmental bottom lines, and effective participation.
- Proposed National Policy Statements for Highly Productive Land, Urban Development and Indigenous Biodiversity.

### Want to know more?

More information is available on the Ministry for the Environment's [website](#).

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If you would like to discuss the impact of the proposals on you or your business, or for assistance in preparing a submission, please contact our specialist [Environment, Planning and Natural Resources team](#).