



Decisions on the national direction for freshwater

An at-a-glance summary

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Introduction

Freshwater is essential to the wellbeing of all New Zealanders. It is at the heart of our culture and identity. How we value our waterways is shown by the way we care for and use them. The importance of clean water to our health, our culture and our livelihoods is without question.

When we respect the mana of our freshwater, Te Mana o te Wai, we put the health and wellbeing of water first. When we look after water, it will look after us.

We rely on healthy freshwater to swim, fish and mahinga kai. Water supports our unique ecosystems, and contain plants and animals found nowhere else in the world. Many of these ecosystems need healthy freshwater to thrive.

But our freshwater system is under severe threat. Population growth and land-use intensification in urban and rural environments are polluting waterways, harming ecosystems and changing our relationship to freshwater. We have lost 90 per cent of our valuable wetlands, 75 per cent of our freshwater fish are endangered and 94 per cent of urban streams and 82 per cent of streams in pastoral areas are not suitable for swimming at least some of the time. Things have to change.

A new direction for freshwater management

In 2019, the Action for healthy waterways proposals, developed by the Ministry for the Environment, the Ministry for Primary Industries and the Government's advisory groups, were sent out to the New Zealand public for consultation. The Ministry for the Environment received over 17,500 submissions from experts, iwi/Māori, the primary sector, scientists, environmental groups and local government, as well as members of the public. These were analysed by the Ministry for the Environment and an Independent Advisory Panel, and the final package includes changes and refinements as a result of this feedback.

Action for healthy waterways sets out a new national direction for freshwater management. It consists of actions to quickly stop further freshwater degradation and sets us on a path to healthier freshwater within a generation. This is a long-term commitment that will require all of us to work together.

Many iwi/Māori, farmers, growers, regional councils and communities have already been addressing environmental issues and we need to build on their work. The new national direction sets ambitious targets for regional councils, the primary sector and other land managers, and will support a genuine step change in farming practice. We have heard through consultation that farmers want to make practical steps towards achieving solutions and better outcomes for freshwater and for their communities. The measures in this package and the support the Government is providing will help all farmers achieve the high standards many have already achieved.

In order to take a holistic approach to managing water – ki uta, ki tai – the Government is also undertaking the Three Waters Review which will complement the Action for healthy waterways reforms. In urban areas, the environmental impacts of our three water systems (drinking water, wastewater and stormwater) also need to be addressed. Our wastewater and stormwater systems are the key causes of pollution in urban waterways. This review also aims to improve the quality and reliability of safe drinking water for our communities.

Action plan from now and within a generation

What will happen?



2020 – 2023

- Protection for wetlands, streams, and fish passage.
- Controlling poor practice in intensive winter grazing.
- Minimum standards for feedlots and stock holding areas.
- Interim intensification controls focusing on the riskiest activities.
- Reduce excessive nitrogen use through cap on synthetic fertiliser (190 kg N/ha/year).
- At-risk catchment programme (funded through Budget 2019).
- Farmer support programme and support catchment groups (funded through Budget 2019).
- From July 2023 all dairy cattle and pigs must be excluded from waterways more than a metre wide.
- Targeted rollout of mandatory and enforceable farm plans in catchments most at risk.
- Investing in new technologies and decision-support tools.
- The health and wellbeing of waterbodies and freshwater ecosystems is maintained or improved (including nitrogen and phosphorus).

Policy work continues to:

- consider whether there should be national bottom lines for dissolved inorganic nitrogen (DIN) and dissolved reactive phosphorus (DRP), that accounts for natural variation between different river types, in the National Policy Statement for Freshwater Management
- address fair allocation and Māori rights and interests in freshwater
- develop the operational requirements for freshwater farm plans
- develop greater central oversight of the performance of the freshwater management system and council performance, and
- review and make improvements to Overseer [an online software tool to improve nutrient management on farms].



Within five years

- Stock exclusion for cattle, pigs and deer in:
 - low-slope areas
 - some hill country wetlands
 - all areas where there are intensive practices.
- Minimum 3 m setbacks from rivers and streams.
- Mandatory and enforceable freshwater farm plans in place across most farms.
- Requirements for real-time measuring and reporting of data on water use enter into force in two, four and six years.
- A new planning process for freshwater - faster and nationally consistent regional plans.
- New or updated regional plans are notified by 2024, setting out how the region will implement the new National Policy Statement for Freshwater Management over coming decades – ie, to give effect to Te Mana o te Wai, with an emphasis on ecosystem health, reinforced by the addition of new attributes; achieve national bottom lines and community objectives over the long term; and set out the rules needed to do this.



From five years to a generation

- Mandatory and enforceable freshwater farm plans in place for all commercial farms.
- Communities work towards meeting the requirements of their freshwater plans (different requirements for each region/area).
- Freshwater is recovering and on track to meet national bottom lines and community aspirations.

Key actions

Objective: Stop further degradation of New Zealand's freshwater resources and start making immediate improvements so that water quality materially improves within five years.

Stop further loss of natural wetlands and streams

The changes include restrictions on any activities leading to the loss of streams and natural wetlands with the aim of promoting restoration. Activities such as clearing vegetation, earthworks and changes to the water levels in wetlands will generally not be allowed.

There are provisions to allow for some activities, for example in relation to significant infrastructure or flood control; and for streams it is possible to obtain a consent for reclamation. Both are conditional on whether applicants can demonstrate they have first avoided significant adverse effects, and minimised loss and degradation, and offset any unavoidable loss.

Restoration and maintenance activities can still go ahead without a consent as long as the effects are no more than minor, but will otherwise need a consent to ensure adverse effects are managed.

Preserve connectivity of the habitats of New Zealand fish species

Many fish require access between and within their habitats to complete their life cycles. In-stream structures such as dams, culverts and tide gates can obstruct this passage and this has led to the decline of many native freshwater fish.

The new regulations permit construction of weirs and culverts provided they meet design requirements, discourage use of flap gates (making them a non-complying activity requiring a consent), and require any person constructing in-stream structures to provide councils with information related to the structure's ability to provide for fish passage.

The new National Policy Statement for Freshwater Management (NPS-FM) requires councils to gain information on current in-stream structures and establish a work programme to address barriers to fish migration.

The Action for healthy waterways package will benefit native fish species, as well as valued introduced species such as trout and salmon, by improving the way we manage the habitat of these species, the quality of water they live in, and their access to and from the sea.

Exclude stock from waterways to improve environmental conditions in rivers and streams

Stock entering our waterways, rivers and streams leads to sediment and water contamination issues, with many rivers and lakes not able to be swum in safely.

To mitigate this, dairy and beef cattle, deer and pigs farmed in low-slope areas (less than a 10 degree slope) are not permitted in any wetland, lake, or river or stream more than a metre wide (bank-to-bank). Stock must be restricted from grazing within three metres from the banks of these waterways.

Hill country stock exclusion applies for all dairy cattle and pigs. It also applies to deer and beef cattle for some wetlands and where intensive farming practices are undertaken. Sheep are not included in these regulations. Compliance with these regulations will be required from 1 July 2023 or 1 July 2025 depending on the stock type, activities, and location.

Stronger controls for feedlots and stockholding areas

Feedlots and stockholding areas where large numbers of animals are kept in small areas impacts the environment through loss of vegetative ground-cover and contaminant and effluent runoff if not managed properly.

Regulations require resource consents for all feedlots and for stock holding areas (feedpads, winter pads, etc.) that do not meet minimum standards. These will only apply to feedlots and stock holding areas that house cattle older than four months and weighing over 120 kgs. Minimum standards include ensuring the base area of the feedlot is appropriately sealed and that effluent is managed according to Council regulations.

New controls on intensive winter grazing of forage crops

Intensive winter grazing of forage crops can result in serious soil erosion and contaminant runoff. It also increases the likelihood of pugging, which impacts the soil and impedes pasture growth.

New consenting thresholds for intensive winter grazing will require a consent under the following circumstances: where the activity occurs over 50 ha or 10 per cent of the property, whichever is the greater, and where it occurs on slopes 10 degrees or steeper. There are also consenting requirements related to setbacks from waterways and soil pugging. Resource consents will be required when activities don't meet these thresholds. These regulations will come into effect from winter 2021.

Interim restrictions on major agricultural intensification

Agricultural intensification refers to increases in agricultural inputs such as fertiliser, stocking rates, or irrigation. These all can impact freshwater bodies negatively through increased contaminant discharges (eg, nutrients, sediment, and microbial pathogens).

The package introduces restrictions on certain intensification activities until regional councils have implemented their new long-term plans for freshwater management to comply with the new NPS-FM or by the end of 2024, whichever is sooner.

This means resource consents are needed for:

- land-use change to dairy farming of more than 10 hectares
- irrigation expansion on dairy farms of more than 10 hectares
- land-use changes of more than 10 hectares from woody vegetation or plantation forestry to pastoral farming
- expansion of intensive winter grazing or dairy support activities above historical levels.

Other land use change activities not listed above will not require a resource consent under this policy, such as from pastoral to arable or horticultural land use.

Resource consents can be granted if the activity is consistent with the new NPS-FM requirement to maintain or improve the health and wellbeing of waterbodies and freshwater ecosystems.

Reduction of excessive nitrogen use through cap on synthetic fertilisers

Current levels of nitrogen in many catchments exceed what will be permitted in the new NPS-FM. Reducing the excessive application of fertiliser which contributes to nitrogen discharges into stream and aquifers is one way to quickly address the high nitrogen loads, and to help these catchments move towards meeting the new bottoms lines.

A national synthetic nitrogen fertiliser cap of 190kg/N/ha/year will apply to all pastoral sectors with dairy farmers being required to report annually to councils the weight of nitrogen applied per hectare. The cap level will be reviewed in 2023 to see if further interventions are necessary.

This cap will not apply to arable and horticultural farming to secure domestic food supply. These sectors represent only 5 per cent of land and so represent a small environmental risk.

You can find more detail on the Ministry for the Environment's website at www.mfe.govt.nz/action-for-healthy-waterways.

Objective: Reverse past damage to bring New Zealand's freshwater resources, waterways and ecosystems to a healthy state within a generation.

Set up the system to restore waterways over a generation

The policies and regulations outlined below will require regional councils across New Zealand to deliver new holistic and cohesive freshwater regional plans to address water quality issues and restore waterways.

These set up the long-term vision and outcomes councils must achieve – with the implementation of how and when they are achieved determined by each council and their communities.

Amend the Resource Management Act 1991 to provide for a new freshwater planning process for regional councils so that instruments can be developed faster

A new planning process for freshwater will be added to the Resource Management Act 1991 (RMA) to help councils expedite the plan making required to implement the new NPS-FM, the content of which is described below.

Central government has recognised that local government and iwi will face challenges meeting the original deadline of 31 December 2023 for notifying (and bringing into effect) the new regional freshwater plans, especially with the pressure of responding to the COVID-19 response. The capacity of councils to engage within the originally proposed timeframe does not now seem feasible. Therefore the notification date has been extended by one year to 31 December 2024 with final decisions made by 2026/27.

Enable development of mandatory and enforceable freshwater modules of farm plans in the future

New freshwater modules as part of Farm Plans (FW-FPs) document the actions farmers and growers will take to reduce risks and mitigate the impacts their businesses have on freshwater environments. They enable risk-based, tailored mitigations for a farm, based on its unique environmental context. This approach provides more flexibility than traditional resource management regulations.

The Government intends to amend the RMA to establish a regime for developing freshwater modules of farm plans. This would make the plans mandatory and enforceable for pastoral farms of 20 hectares or more, arable farms of 20 hectares or more and horticultural farms of 5 hectares for more.

This is not required immediately, but over the next 12+ months, the Government will work with primary sector representatives, iwi/Māori, regional councils and other interested groups to develop new regulations which will set out the exact requirements for mandatory freshwater modules of farm plans. It is the intention to build on existing industry body or agribusiness farm plans. We will prioritise this work in catchments most in need of improvement or protection.

Amend requirements for councils to maintain or improve water quality

Current requirements for councils to maintain or improve the quality of freshwater have meant the regional councils can permit quality to decline within a defined range and potentially lock in recent declines.

The new NPS-FM includes specific requirements to maintain or improve water quality from its current state. Councils are required to regularly assess and report on whether freshwater quality has been maintained, and consider a range of matters to ensure this is done in a meaningful way, recognising the complexities involved and keeping the community informed about progress.

Preserve hydropower flexibility and output to maintain security of electricity supply

New Zealand's hydro-electricity generation capacity is needed to achieve our greenhouse gas emissions reductions targets and maintain security of electricity supply. The new NPS-FM allows regional councils to maintain freshwater quality below national bottom lines where it is necessary to secure the benefits of New Zealand's five largest hydropower schemes – the Waikato; Tongariro; Waitaki; Manapouri and Clutha schemes. These schemes represent about 86 per cent of New Zealand's hydro-electricity generation capacity. Despite the exception, councils and communities can choose to aim higher and will still have to improve freshwater quality to the extent possible.

Improve the clarity of the National Policy Statement on Freshwater Management

To address long-standing issues, the new NPS-FM will clarify requirements to set limits on resource use; include more specific direction for managing water quantity and environment flows; better provide for the whole freshwater ecosystem not just the water quality and quantity (more on this below); clarify the role territorial authorities have in supporting the integrated management of land and water; and generally improve its structure and readability.

Strengthen and clarify Te Mana o te Wai as the basis of the National Policy Statement for Freshwater Management

Te Mana o te Wai is a concept from Te Ao Māori that provides a framework for freshwater management. It establishes a set of principles and obligations referring to the essential value of water and sustaining its health and wellbeing first before providing for human and other uses of water.

Te Mana o te Wai is a fundamental concept that underpins the new NPS-FM. It clarifies how councils engage with tangata whenua and give effect to Te Mana o te Wai and the long-term vision for freshwater management.

Give greater recognition to the values Māori hold for freshwater

To ensure the values Māori hold for freshwater are adequately recognised, the new NPS-FM includes a new compulsory value for mahinga kai. This requires regional councils to support tangata whenua to implement this value in their local context and reflect on the value they place on water.

Broaden the focus of national direction and planning to manage all aspects of ecosystem health

The new NPS-FM recognises five components of ecosystem health that must be managed and reported on:

- (i) water quality (chemical, physical, biological)
- (ii) water quantity (water flows and levels)
- (iii) physical habitat (available for plants and animals)
- (iv) aquatic life (animals, plants and algae present)
- (v) functioning ecosystem (interactions between them all).

Regional councils must report on the overall ecosystem health and provide a threatened species value.

A higher standard for water quality applying during summer at places where people swim

The new NPS-FM directs regional councils to improve water quality at places where people swim and recreate. Water quality at these sites must be managed so that indicators of disease risk (*E. coli*) are better than a new national bottom line, adopted in line with national microbiological guidelines to protect people's health. The months for when the new bottom line applies will be set in the regional plan, and councils must manage *E. coli* levels through an adaptive action plan.

Provide new and amended attributes for a healthy ecosystem

Regional councils are required to measure, manage and monitor a wider range of ecosystem health attributes for aquatic life, water quality and ecosystem functioning. Some attributes can be managed through an adaptive action plan and others are managed through setting limits. This better recognises the complex nature of ecosystem health where a single stressor is rarely solely responsible for degradation.

The new NPS-FM includes new attributes for sediment, and dissolved oxygen among other things. Requirements to manage nutrients have also been strengthened.

Move to real-time measuring and reporting data on water use

Since 2010, farmers who hold a consent to take over five litres of water per second have been required to measure water each day and report to councils annually. This helps take into account all water takes and sources of contaminants. The infrequent information flow has reduced council's ability to use the data effectively for water-use planning, compliance, monitoring and enforcement.

To implement the Action on healthy waterways package, the regulations make real-time reporting of water use to councils mandatory for consented farmers and growers. This requires water users to electronically record water use and transmit the data directly to council.

These requirements will be phased in with holders of consents to take more than 20 litres per second complying two years after the regulations come into force, those taking between 10 and 20 litres per second complying after four years and those taking five litres per second, after six years.

You can find more detail on the Ministry for the Environment's website at <https://www.mfe.govt.nz/action-for-healthy-waterways>.