



Essential freshwater rules

All you need to know

Many of the regulations around freshwater and how we manage this precious resource have changed or are changing. These changes are being driven by the Government's Essential Freshwater reform package. This booklet provides a quick guide to all the rules.

There are more in-depth information and factsheets to download at
www.trc.govt.nz/environment/farmhub/

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Essential freshwater reforms: a quick guide

The Essential Freshwater reform package aims to protect and improve our rivers, streams and wetlands to stop further degradation of freshwater, start making immediate improvements and reverse past damage to bring our waterways and ecosystems to a healthy state within a generation.

The National Policy Statement for Freshwater Management 2020 (NPS-FM 2020) sets out the policies and the National Environmental Standards for Freshwater (NES-F) establishes the regulations to achieve this.

What this means for people in Taranaki is requirements are being set for those carrying out certain activities that pose risks to freshwater and freshwater ecosystems. Anyone carrying out these activities will need to comply with the standards and, in many cases, people need to apply for a resource consent from the Council to continue carrying out regulated activities.

All of this is underpinned by Te Mana o te Wai (the mana of the water). Te Mana o te Wai means that when managing freshwater, the health and well-being of the water is protected and human health needs are provided for before enabling other uses of water.



Freshwater Farm Plans



Freshwater farm plans (FWFPs) are a new way for farmers to address and manage on-farm risks to freshwater and will be introduced in Taranaki in mid-2024.

A FWFP must identify:

- The risks of adverse effects of farming activities on freshwater or freshwater ecosystems.
- Actions that avoid, remedy, or mitigate those risks.
- The plan must also set a timeframe within which each action must be implemented.

Over time, FWFPs are expected to become the central tool for farmers and growers to manage all their freshwater regulatory requirements.

The actions outlined in the FWFP will be tailored to each farm and will complement the existing efforts of many farmers. These plans will work with other regulations, including nitrogen caps, stock exclusions, intensive winter grazing regulations, regional plans and consent requirements.

Currently, farmers and growers are not required to take any immediate action and should continue with their usual activities and follow existing farm plans. The TRC will be reviewing and analysing the regulations to determine the best approach for implementation in our unique region.

Intensive winter grazing

The regulations on how large numbers of stock are confined over winter in small feeding areas came into effect on 1 November 2022.

As mentioned above, when the regulations are in place, freshwater farm plans are one pathway for intensive winter grazing to be a permitted activity. Another pathway is for farmers to comply with the default conditions in the National Environmental Standards for Freshwater (NES-F). Otherwise a farmer will need to obtain a resource consent from the Council.



Agricultural intensification



Agricultural intensification includes conversions of plantation forestry to pastoral land use and any land to dairy farmland. The regulations came into effect in 2020 but are temporary and apply until 1 January 2025 or when the Council notifies its new Natural Resources Plan.

A resource consent is required if you want to undertake any of the following activities:

- Converting more than 10ha of land to more intensive land use
- Increase the area of land used for dairy support above the highest annual amount used from any prior year between 1 July 2014 and 30 June 2019.

Converting less than 10ha of land to more land use is a permitted activity and resource consent is not required.



Synthetic nitrogen fertiliser rules

A cap of 190kgN/ha/year on pastoral land of 20ha or more on all farm types came into effect on 1 July 2021. Anything above this level requires a resource consent.



Dairy farmers have to report their annual nitrogen fertiliser usage from 1 July to 30 June and there are three online tools to enable them to do so. Farmers need to use the tools after 30 June of each year to report their nitrogen usage by the 31 July deadline.

The reporting tools are provided by Ravensdown (hawkeye.farm/) and Ballance (myballance.co.nz). Farmers who are not customers of the fertiliser companies can use a regional sector tool called the N-Cap Webform (<https://n-cap.teurukahika.govt.nz>).

Feedlots and stockholding areas

A feedlot is a stockholding area where cattle are kept for at least 80 days in any six-month period and are fed exclusively by hand or machine while a stockholding area is an area for holding cattle at a density that means pasture or other ground cover can't be maintained.

Both areas pose a high-risk to the quality of our waterways if not managed well. In Taranaki, many feedpads would be considered stockholding areas.

The feedlot rules came into force on 3 September 2020 and the stockholding regulations came into effect on 1 July 2021.

Feedlots

Holding small and young cattle in a feedlot is a permitted activity if 90% or more of the cattle held are no more than four months old, or weigh no more than 120 kilograms. The use of feedlots for all other cattle requires a resource consent.

The use of land on a farm for holding cattle in a feedlot is a discretionary activity which requires a consent where:

- the base area of the feedlot must be sealed to a minimum permeability standard of 10^{-9} m/s; and
- effluent expelled in the feedlot must be collected, stored and disposed of in accordance with a rule in a regional or district plan, or a resource consent; and
- the feedlot must be at least 50 metres away from any waterway, water bore, drain or coastal marine area.

Holding cattle in a feedlot which does not comply with the discretionary activity conditions is a non-complying activity and a resource consent will be required.

Stockholding areas

The regulations apply to the use of land for holding cattle in a stockholding area other than a feedlot, and to associated discharges of contaminants into or onto land, including in circumstances that may result in a contaminant entering water.

These are permitted activities provided they comply with the following conditions:

- 90% or more of the cattle held are no more than four months old, or weigh no more than 120kg, or
- fewer than 90% of the cattle are no more than four months old or weigh no more than 120kg, but
- the base area of the stockholding area must be sealed to a minimum permeability standard of 10^{-9} m/s, and
- effluent expelled in the stockholding area must be collected, stored, and disposed of in accordance with a rule in the Regional Freshwater Plan for Taranaki or district plan, or a resource consent, and the stockholding area must be at least 50m away from any waterway, water bore, drain and the coastal marine area.

If your stockholding area does not meet the standards above a resource consent will be required.



Stock exclusion

Stock exclusion is preventing cattle, pigs and deer from gaining access to wetlands, lakes and rivers wider than one metre anywhere on a property.

Under the new regulations, stock must be kept at least 3m from waterways and this is being applied in a phased approach up to 1 July 2025 with new requirements coming into effect on 1 July 2023.

The following stock exclusions from lakes, rivers or streams wider than 1m and low-slope land (5° or less with slopes of between 6-10° addressed through freshwater farm plans once they are in place) apply from 1 July 2023:

- Dairy cattle and pigs on any terrain
- Intensively grazed beef cattle and deer on any terrain
- All beef, dairy, dairy support cattle, deer and pigs from wetlands identified in the Regional Freshwater Plan for Taranaki.

From 1 July 2025, the following stock exclusions apply:

- Dairy support cattle on any terrain
- Non-intensively farmers beef cattle and deer on low slope land
- All beef, dairy, dairy support cattle, deer and pigs from wetlands that support a population of threatened species
- All beef, dairy, dairy support cattle, deer and pigs from natural wetlands on low-slope land.



If you have a Council Riparian Management Plan fully implemented following a full audit by a Land Management Officer, you already comply with both the Council and Government regulations.



Protecting wetlands



Wetlands – swamps, marshes, bogs etc – are the meeting ground of land and freshwater. As well as being important for biodiversity, wetlands act as the ‘kidneys of the land’ and bring land management benefits. They store water during rainfall, helping to reduce flood levels. In dry periods, they release water to help maintain farm supplies.

The NPS-FM 2020 includes new policies around avoiding the loss of extent of natural inland wetlands, protecting their values and promoting their restoration. The new regulations in the NES-F place restrictions on damaging activities in and near natural inland wetlands. The Resource Management (Stock Exclusion) Regulations 2020 also mandates that certain stock must be excluded from natural wetlands in some circumstances.

The NES-F rules control vegetation clearance and earthworks in or within 10m of a wetland, drainage and the taking, using, damming, diversion or discharge of water in or within a 100m of a wetland.



With the exception of drainage of a wetland, it is permitted to undertake the above activities (provided certain conditions are met) if the purpose of the activity is for the following:

- the maintenance of a wetland utility structure;
- scientific research;
- restoration, maintenance and biosecurity of a natural inland wetland;
- arable/horticultural land use;
- natural hazard works;
- the maintenance and operation of specified infrastructure and other infrastructure (see factsheet for full details); and
- Sphagnum moss harvesting.



Specific resource consents pathways are required to undertake the above activities if the purpose of the activity is for the following:

- the construction of a wetland utility structure;
- the construction of specified infrastructure;
- quarrying activities;
- landfill and cleanfill areas;
- urban development; and
- The extraction of minerals and ancillary activities.

None of the controls apply to customary harvest of food or resources undertaken in accordance with tikanga Māori.

Fish passage and structures in streams

The regulations control activities that pose a risk to fish passage by setting requirements for the placement, use, alteration, extension or reconstruction of culverts, weirs, flap gates, dams and fords. This includes the placement, alteration, extension or reconstruction of any of these structures in, on, over or under the bed of any river or connected area in Taranaki, including temporary structures.

The regulations do not apply to:

- An existing structure, including any later alterations or extensions of that structure, where it was in the river or connected area before 3 September 2020
- A customary weir that is used for the purpose of practising tikanga Māori, including customary fishing practices.

Resource consents are now required for new structures in rivers that do not comply with permitted activity standards for fish passage under the NES-F. New instream structures which need a resource consent must meet minimum maintenance and monitoring requirements.



Notes





For more information please contact:

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