

June 2020

FRESHWATER REFORMS: TARANAKI UPDATE

Key changes have improved the Government's national freshwater policies. However, challenging details remain to be worked through.

The Government last week announced its revised freshwater regulation regime, moderating its original approach in a number of areas and delaying a decision on any need for or the content of rules around nutrient limits.

Generally, these changes are to be welcomed. They reflect the Council's strong, evidence-based submissions. The main points are set out in this fact sheet.

Nutrient limits

The Council had argued the blanket nationwide nutrient limits proposed last year lacked credible scientific basis, were out of line with comparable overseas criteria and would substantially restrict farm output for no clear benefit to stream health, hitting rural communities hard.

A Council-commissioned study indicated that achieving the originally proposed Dissolved Inorganic Nitrogen (DIN) limits alone would cost \$100,000 a year for 33% of the region's dairy farms and \$50,000 for 70%.

In its submission, the Council asked why the Government wanted to harm the industry in this way, when Taranaki's mountain-fed rivers are rated in the 'A' and 'B' bands for ecological health by the Government's own measure. Their ecological health has, with only rare exception, been stable or improving for a decade or more.

The Government last week announced policy work would continue on whether there should be national bottom lines for DIN and dissolved reactive phosphorus (DNP) that account for natural variation between different river types. It considers single nationwide bottom lines for these nutrients are inappropriate at this time.

The Council considers it inappropriate at any time. One size does not fit all and such universal limits are neither credible nor justifiable as a cost-effective intervention.

The Government also announced a universal limit of 190kg nitrogen fertiliser allowed per hectare per year, a new requirement. The actual annual usage of N synthetic fertiliser has to be reported to the Council. The Government is also significantly tightening existing water quality limits on nitrate and ammonia, to give a very high degree of protection to stream ecology. Taranaki's streams and rivers comfortably meet the new criteria.

Swimmability

Under the Government's original proposals, swimming standards would have to be maintained even where or when rivers are too cold, shallow, dangerous, discoloured, and/or too fast-flowing to be suitable for recreation. The logic of this was challenged in the Council's submission.

Under last week's announcement, the Government will instead require a higher standard for water quality to apply during the bathing season at the places where people swim and when conditions allow it. The Council's existing recreational bathing monitoring programme already fulfills the amended requirements.

Role of OverseerFM

The Government originally proposed to require the use of the OverseerFM farm-management tool in farm plans.

The Council agrees that OverseerFM is a useful on-farm management aid to nutrient balancing. But it also shares the view of many experts and authorities, including the Parliamentary Commissioner for the Environment, that it is unfit for use as a regulatory tool to control water quality, is highly inaccurate, remains unproven in many landscapes and cannot reflect actual environmental impacts.

The Government last week confirmed OverseerFM's role as an aid to nutrient management, and said improvements to the model would be made. But for now, there is no longer a move to use it as a compulsory and regulatory tool.

Stock exclusion and riparian management

The Government originally proposed 'one size fits all' stock exclusion rules including a compulsory average 5m setback for all riparian fencing.

The Council argued this was an arbitrary limit that could not take individual circumstances into account, unlike Taranaki's riparian farm plans that are tailor-made for each property and encompass planting as well as fencing.

The new rule would have threatened and overridden Taranaki's proven, successful and much more comprehensive Riparian Management Programme, adding substantial cost for no obvious benefit.

Last week's announcement included a modified 3m minimum setback for streams wider than 1m but importantly, existing permanent fencing on any stream size can remain in place if it has been recommended at that width through a Council-prepared riparian management plan.

We believe Taranaki's long-running programme includes native planting, which is likely to be required in most places in the future. Our efforts to date have placed our region well ahead in this respect.

The Council is working through the full details of the government's proposals, but notes there is certainly still work to be done in the region.

The Council's clear message to farmers has been consistent – please crack on and get your TRC riparian plans completed.

The Waingongoro catchment

The original proposals would have meant harsh constraints on dairy farming in the Waingongoro catchment, based on a desktop view that nitrogen concentrations were causing unacceptable effects to the river and others like it around New Zealand.

The Council's scientific evidence from more than 20 years' worth of monitoring was that such potential effects were in fact not present, and the river is actually showing improvement across a number of measures of health and quality.

Besides the universal review of the appropriateness of nitrate nutrient criteria that it will now undertake, the Government now appears to have abandoned any of the specific interventions it had put forward targeting high-nitrogen catchments.

Instead it will require the accelerated preparation and implementation of farm-specific freshwater farm plans. These will require each farmer to determine and apply actions that are effective in better managing on-farm risks and controlling adverse effects of their farming on receiving freshwaters to achieve outcomes yet to be prescribed by the Government. Councils will be required to ensure compliance with the plans.

The Council awaits information about the outcomes the Government will require in these catchments.

Sediment regulation

Sediment entering and flowing down rivers is widely recognised as having a substantial impact upon stream health.

The Council expressed reservations about the workability of the Government's original criteria for suspended solids (water clarity) and streambed sedimentation. The proposals have now been modified, and the Government considers the implementation of widespread improvements in land management will achieve the re-worked targets.

However, the Council remains concerned about what the potential sediment levels of the regulations could be.

The soils of Taranaki's eastern hill country are naturally highly erodible when left exposed without tree cover. Slumping and landslips are routine without soil conservation measures in place, causing waterways to carry high sediment loads, given the frequently wet weather patterns with intensive downpours.

This all results in high levels of sediment movement in waterways in the region's eastern hill country. However, it is uncertain how much this can be reduced with the implementation of sustainable land management practices despite around 70% of the Taranaki hill country already being indigenous vegetation, a further 10% in exotic forestry, and widespread uptake by farmers of farm management plans delivering sustainable land use.

New measures of stream health and water quality

The Council has a comprehensive suite of measures for determining and reporting to the public on the health of the region's streams. The Government had proposed a considerable number of compulsory additional measures.

The value and practicality of some of these were challenged by the Council. An amended range is now to be required, providing extra ways of assessing freshwater fauna and flora and ecosystem function.

Methods, schedules, and criteria for data interpretation are still to be developed, and staff will evaluate these requirements as details emerge. However, it is already clear that the Council's ratepayers will face additional costs.

COVID-19 and regional planning processes

The Government originally proposed that councils would take all new requirements into account and notify new regional plans for freshwater, recognising and giving effect to all proposals, by December 31, 2023.

The practicality and workability of this deadline was vigorously challenged by the local government sector.

The Government has now acknowledged the original deadline would have been onerous for councils, communities and iwi alike, and risked compromising the quality of the process and outcomes. It has further recognised the possibility that council processes, including stakeholder engagement, have been disrupted by the Covid-19 lockdown.

It has now agreed an extra year should be allowed for the preparation of new regional plans.

Note: The Government's decisions will need further time to analyse and in some cases seek clarification around. The Council's website will be updated as it continues its analysis of the proposals.