

September 2020

## New freshwater regulations: What they mean for you

New Government freshwater regulations come into force on **September 3, 2020**. These include rules and obligations around activities on land that may affect water.

In particular, the [Resource Management \(National Environmental Standards for Freshwater\) Regulations 2020](#) (the Regulations) will widen the range of activities requiring resource consents and tighten restrictions for many activities covered by existing rules.

**The new requirements are far-reaching and should not be ignored.** If your farm or business is undertaking or planning operational changes or developments involving **any aspect of fresh water or waterways**, you should check if they apply. Even if you haven't needed a resource consent for such work in the past, it's important you talk to Council staff.

The changes summarised below are of particular relevance to Taranaki:

### Natural wetlands

Wetlands, given their scarcity and importance for biodiversity must be protected. The Regulations impose very strict requirements on anyone doing:

- vegetation clearance, earthworks or land disturbance within **10 metres** of a wetland, or
- taking, using, damming, diverting or discharging water within **100 metres** of a wetland.

Unless the activity is clearly for the purpose of natural wetland restoration, scientific research, maintenance of a wetland utility structure (e.g. boardwalk or weir), or natural hazard work, a resource consent will be required (although there are minor exceptions for existing arable and horticultural land uses).

The drainage of wetlands is a non-complying activity and is unlikely to be allowed.

If you are unsure whether an area is considered a wetland, please check with the Council.

**More details:** [Sections 38 to 56](#) of the Regulations.

### Fish passage (river structures)

Most native fish species in Taranaki (such as eels and inanga/whitebait) and sports fish (such as trout) require access between and within catchments and/or the sea to breed. Structures such as culverts, weirs, flap gates, dams and weirs can delay or prevent fish movement.

Anyone seeking to place a new structure (excluding customary weirs used for practising tikanga Māori) in, on, over, or under a river bed must comply with revised structure design and performance standards that address fish passage. These reinforce and complement existing rules in the Council's Freshwater Plan.

You must also, regardless of whether a resource consent is required or not, provide to the Council information on the design and performance of the structure in relation to the passage of fish.

**More details:** [Sections 58 to 69](#) of the Regulations.

### Culverts

In addition to the above, there are specific requirements relating to the placement, use, alteration and extension of culverts. **A resource consent will now be required for most culverts.**

**More details:** [Sections 70 to 71](#) of the Regulations.

### Reclamation of rivers and streams

Urban and rural land development has resulted in the loss of many small streams. In urban areas in particular, many streams have been piped, straightened and channelled.

**Anyone seeking to infill a stream will need to apply for a resource consent.** However this is unlikely to be granted. You would have to clearly demonstrate that you have exhausted all practical options to avoid any infilling. You would also be required to offset or compensate for any stream loss.

If you are unsure what constitutes a stream or river for the purpose of these Regulations, please check with the Council.

**More details:** [Section 57](#) of the Regulations and [Policy 3.24\(1\) of the National Policy Statement for Freshwater Management](#).

#### Other requirements

The above is not an exhaustive list – other requirements set out in the Regulations may also be relevant. For example:

- There are new restrictions on land use change relating to dairying, forestry, irrigated pasture, and winter foraging crops ([sections 9 to 24](#)). And from May 1, 2021 new restrictions for intensive winter grazing will apply ([sections 26 to 30](#)).
- From July 1, 2021, you will need a resource consent to apply synthetic nitrogen fertiliser onto land in pastoral land use at a rate higher than 190 kg/ha/year ([sections 32 to 36](#)).

#### What happens next?

The Government will announce more regulations in the near future. As we work through these, updates will be posted here and communicated directly where necessary.

We recognise there may be challenges ahead, however the Council is committed to implementing the Government requirements in an effective, pragmatic way for our region.

#### Contact us

Please email your questions to [info@trc.govt.nz](mailto:info@trc.govt.nz) with 'Freshwater regulations enquiry' in the subject line and we'll be in touch as soon as possible.