



# Essential Freshwater regulations: Information for horticultural growers

This information sheet is one of a series outlining requirements as part of a new approach to managing the health of freshwater in New Zealand. These actions will see us start making immediate improvements where needed and set us on a path to healthier freshwater within a generation.

These requirements have been developed following consultation with New Zealanders. In 2019, the Government consulted on new regulations and a new risk-based approach for improving farm environmental practices through mandatory farm plans in the document Action for healthy waterways. The Government asked for feedback on proposed regulations – an updated National Policy Statement for Freshwater Management, new National Environmental Standards for Freshwater and regulations under section 360 of the Resource Management Act 1991. As a result of more than 17,500 submissions, and in the light of COVID-19, the Government has made several changes to what was proposed.

This information sheet for horticultural growers provides a summary of what you need to do, more detail on the requirements, information on support available to help you meet new requirements, and background on how we got to this point. You can find more information sheets on the Ministry for the Environment's website at [www.mfe.govt.nz/action-for-healthy-waterways](http://www.mfe.govt.nz/action-for-healthy-waterways).

## What you need to do from now to 2025

**Not all measures will apply to every grower. Identify what's relevant to you and then find more detail on the following pages.**

1. Protect wetlands and streams on your land. This means you cannot drain or develop them, except in very limited circumstances, from mid-2020 when the regulations come into force<sup>1</sup>.
2. If you have an existing resource consent to take a lot of water, report on your water usage electronically (phased in over six years, depending how much you take).

<sup>1</sup> The exact start date will be publicly notified once it is confirmed.

## What you need to do medium term (this decade)

Have a freshwater module in a farm plan. 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.

## What you need to do long term

Over decades, continue to meet any [existing and new requirements](#) set by your regional council to achieve national bottom lines where relevant and community freshwater objectives.

## What's different from the 2019 proposals

For the horticulture industry, the main changes from the proposals consulted on in 2019 are as follows.

### Limiting nitrogen loss

- There will not be a new bottom line for Dissolved Inorganic Nitrogen (DIN). Instead, the existing bottom line for nitrogen toxicity will be strengthened; and nitrogen levels in rivers will need to be suitable for healthy ecosystems. Councils will also need to measure and control other attributes (indicators of ecosystem health) such as phosphorus.
- There will not be local caps on nitrogen loss (or output) in highly nitrogen-impacted catchments as proposed during consultation but for pastoral farming there will be a new national cap on synthetic nitrogen fertiliser input.

### Intensification

- There will be no interim regulations limiting intensification of commercial vegetable growing and no regulations for expanding irrigated horticulture crops.

## What support is available to you

Through the Ministry for Primary Industries, the Government provides a number of programmes that can fund [projects to improve environmental outcomes on farm](#), and link growers with practical support. These programmes include:

- Sustainable Food & Fibre Futures (SFF Futures)
- Māori Agribusiness Extension (MABx) Programme
- The One Billion Trees (1BT) Fund
- 1BT Direct Grants
- The Hill Country Erosion (HCE) Programme

Details are available at [www.agriculture.govt.nz](http://www.agriculture.govt.nz) and links to further advice and support are at the end of this document.

## Detailed requirements

This section sets out more detail on the requirements. All the requirements described here will be formally set out in the new National Policy Statement for Freshwater Management (NPS-FM), National Environmental Standards for Freshwater (NES) or regulations under Section 360 of the Resource Management Act, which are expected to be finalised, approved by Ministers and made publicly available in mid-2020. Not all measures will apply to every farm.

### 1. Protect wetlands and streams on your land

Wetlands are defined as permanently or intermittently wet areas, shallow water, and land water margins which support a natural ecosystem of plants and animals that are adapted to wet conditions (such as rushes or oioi). The regulations do not include wet pasture or paddocks (for example, areas where water pools after rain that are dominated by introduced pasture species).

Wetlands are an essential habitat for threatened species. They also act as the kidneys of the land and giant sponges by filtering contaminants, contribute to erosion control and carbon sequestration, and are a buffer against floods and storm surges.

#### What will I have to do?

From mid-2020 when the regulations come into force, the following will apply.

- If you have any livestock on your property, you will need to keep cows, pigs and deer out of wetlands that are identified in council plans (and ideally out of all wetlands if possible) and streams. Consider planting suitable native species in wetlands and alongside streams.
- Avoid clearing indigenous vegetation, earthworks, drainage or taking, damming or diverting water in and around a wetland. In limited circumstances, you may still be able to obtain consent to do these things, as long as it doesn't result in further loss of wetland extent and minimises and offsets any damage.
- You can still sustainably harvest sphagnum, as long as the effects are no more than minor.
- You can also do some work in a wetland for restoration or cultural purposes (including scientific and research), as long as the effects are no more than minor. But if you want to put in new structures, or make changes that are more than minor, you will need to have obtained resource consent.

Streams (in urban and rural areas) must not be filled in unless there is no other option. Most earthworks in streams and rivers, for example, to shift the course of a stream will require a resource consent from the regional council. For works that need a consent, you will need to demonstrate that your plans minimise the amount of damage.

### 2. Report on water usage using electronic means

If you have existing resource consent to take more than five litres/second of water (for example, for irrigation) then you will need to measure and report your use electronically, if you do not already.

You will need a system to measure water use every 15 minutes and provide electronic records to the regional council daily. Most commonly this would be achieved using a telemetry system.

The introduction of this requirement is being staggered. You must comply within:

- two years if your consent is to take more than 20 litres per second
- four years for consents to take between 10 and 20 litres per second

- six years for consents of five litres/second or more, but less than 10 litres/second.

### **3. Medium term, have a farm plan with a freshwater module**

Many growers already have Farm Environment Plans, as part of New Zealand Good Agriculture Practice's (NZGAP) Environmental Management System (EMS) add-on.

The Government will make it mandatory to have an enforceable freshwater module in a farm plan. 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.

It is the intention that the new farm plan freshwater module would build on existing industry body or agribusiness farm plans. The government's focus will be on ensuring specific freshwater requirements, set out in regulations, are met. This means existing regimes and plans are likely to need adjusting in future.

The mandatory freshwater module is likely to be phased in, with roll-out prioritised in areas where waterways are less healthy. It is likely the freshwater module will need to include:

- a farm map identifying features such as waterways, critical source (discharge of contaminant) areas, high erosion-prone areas, and other risks to the health of the freshwater ecosystem
- risk assessment across specific activities including irrigation, application of nutrients and effluent, winter grazing, stock-holding areas, stock exclusion, offal pits and farm rubbish pits
- schedule of actions to manage identified features and address identified risks

Freshwater modules in farm plans would need to be:

- approved by a suitably qualified and experienced person
- audited by independent auditors
- enforced by regional councils.

This mandatory module is intended to be a more flexible way of ensuring growers and farmers are following best practice than more prescriptive regulatory standards. It will take a few years to put in place and so regulations are required to drive immediate improvement in some farming practices.

### **4. Meet any specific regional requirements to achieve national bottom lines where applicable and community objectives**

As happens now, regional councils will develop plans and rules that growers and farmers (and others in the community) need to abide by. You will be able to be part of this process in your region.

Regional councils will have to notify new or updated regional plans by December 2024 that set out how the region will implement the new NPS-FM over the coming decades. Final decisions on plans are due in 2026. Regional councils may choose to apply tougher requirements than those set out in the national regulations.

### **5. Provisions for vegetable growing in specified areas**

The new National Policy Statement for Freshwater Management (NPS-FM) has special provisions for vegetable growing in Pukekohe and Horowhenua. The policy was proposed in response to modelling which showed these growing areas would not meet the nitrogen bottom lines – even with extensive

land use change. The provisions recognise the need to maintain New Zealand's food security, and the link between domestic vegetable production and human health.

The provisions allow a council (in consultation with tangata whenua and the community) to choose to set a water quality target (attribute state) below national bottom lines in their regional freshwater plan. This can only occur within the areas specified in the NPS-FM and only where water quality is already below a national bottom line for attributes that are affected by nitrogen. Water quality cannot degrade any further, in fact, councils must set water quality targets to ensure water quality is improved - however not necessarily to the national bottom line. Everyone in the catchment - including vegetable growers - will need to contribute to that improvement. Councils will then establish limits on resource use and develop action plans to ensure that improvement is achieved while still ensuring New Zealand's domestic supply of vegetables is maintained.

Councils will consult with the community on whether to use these provisions to stay below national bottom lines, or if there should be interim targets to meet the bottom lines over time. Councils must notify a freshwater plan no later than 31 December 2024 to give effect to the 2020 NPS-FM so you can expect to engage on this issue with your council and wider community leading up to this plan change.

The ability to have water quality targets below a national bottom line is time bound and will expire in 2030.

In the meantime the Government intends to develop regulations that will set target attribute states and limits on resource use to move toward bottom lines over time in Pukekohe and Horowhenua. These regulations will require improvement in land-use practices from everyone in these areas.

The Government intends to develop ambitious but achievable targets and policies for improving the health of the waterways in these areas. In doing so, central Government will be working closely with relevant iwi/hapū, alongside councils, communities and landowners.

## What support and advice is available

Through the Ministry for Primary Industries (MPI), the Government provides the following programmes that can contribute funding for projects to improve environmental outcomes on farm, and link growers with practical support. Details are available at [www.agriculture.govt.nz](http://www.agriculture.govt.nz).

### Support for innovative projects

Sustainable Food & Fibre Futures (SFF Futures) is an MPI programme that co-invests in projects that aim to make a difference to New Zealand's agriculture, food and fibre sector. We can co-invest in a range of projects – from small, one-off initiatives needing a small grant to long-running, multi-million-dollar partnerships. It may be a new product or service, or a better way of doing something. You contribute co-investment (financial and/or in-kind) over the life of the project.

Projects can include developing new products or services, undertaking research, boosting environmental outcomes, increasing skills and capability, and knowledge and information sharing.

#### **More information**

Information about the types of projects we co-invest in, contact details and guidelines for applicants are available at [www.sff-futures.mpi.govt.nz](http://www.sff-futures.mpi.govt.nz).

You can also email the team at [sff.futures@mpi.govt.nz](mailto:sff.futures@mpi.govt.nz).

## **Māori Agribusiness Extension (MABx) Programme**

MABx helps Māori land trustees or agribusinesses to connect with others to confidently undertake change. It focuses on providing shared, group-learning opportunities and exploring sustainable system changes to deliver better environmental and economic outcomes.

#### **More information**

To find out how we can help, email the team at [maoriagribusiness@mpi.govt.nz](mailto:maoriagribusiness@mpi.govt.nz).

[www.mpi.govt.nz/maori-agribusiness](http://www.mpi.govt.nz/maori-agribusiness).

## **Advice and funding for planting trees to improve or protect water quality**

**The One Billion Trees (1BT) Fund can help you plant the right tree, in the right place, for the right purpose.**

**1BT Direct Grants** are available to help landowners with the costs of planting trees or reverting land back to native forest. Through **1BT Partnership Funding** we support projects such as catchment restoration, workforce development, scientific or technological innovations. Generally, we contribute a 50 per cent co-investment and you contribute either financially and/or in-kind.

Information about Direct Grants and Partnership Funding including One Billion Trees application criteria, is available at [www.mpi.govt.nz/1BT](http://www.mpi.govt.nz/1BT). Or email the team at [1bt@mpi.govt.nz](mailto:1bt@mpi.govt.nz).

If you have areas of less productive or erosion-prone land on your farm, trees can help keep it stable, and you could benefit from on-farm forest planting by earning carbon credits through the **Emissions Trading Scheme (ETS)**.

MPI funds the **Hill Country Erosion (HCE) Programme** to both plan for and treat erosion-prone land using sustainable management practices. It's run through a number of regional councils and unitary authorities. The HCE Fund complements the One Billion Trees Fund, and you can apply for grants from both funds for different planting activities.

Information about the HCE Programme is available at [www.mpi.govt.nz/hce](http://www.mpi.govt.nz/hce). Or email [forestgrants@mpi.govt.nz](mailto:forestgrants@mpi.govt.nz).

For information about planting trees to earn carbon credits in the ETS, please phone 0800 CLIMATE (0800 25 46 28) or email [climatechange@mpi.govt.nz](mailto:climatechange@mpi.govt.nz).

## More industry, community and on-farm environmental projects

The following websites contain numerous case studies of growers and farmers and communities who have been taking care of their land for generations, and others who have started more recently to make changes.

There are also links to sources of funding support to make improvements on your farm. Many councils also offer direct support and/or advice.

DairyNZ – advice on caring for waterways	<a href="http://www.dairynz.co.nz/environment/waterways/">www.dairynz.co.nz/environment/waterways/</a>
DairyNZ – advice on managing nitrogen fertiliser	<a href="https://www.dairynz.co.nz/media/5788746/tech_series_december_2017_web.pdf">https://www.dairynz.co.nz/media/5788746/tech_series_december_2017_web.pdf</a>
Ministry for the Environment – Good Farming Practice working group and guides	<a href="http://www.mfe.govt.nz/fresh-water/we-all-have-role-play/land">www.mfe.govt.nz/fresh-water/we-all-have-role-play/land</a>
Ministry for the Environment – Freshwater Improvement fund and projects	<a href="http://www.mfe.govt.nz/more/funding/freshwater-improvement-fund/freshwater-improvement-fund-projects/table-of-projects">www.mfe.govt.nz/more/funding/freshwater-improvement-fund/freshwater-improvement-fund-projects/table-of-projects</a>
Ministry for Primary Industries – guidance on healthy waterways and links to other information	<a href="http://www.mpi.govt.nz/growing-and-harvesting/land-care-and-farm-management/farm-management-for-healthy-waterways/">www.mpi.govt.nz/growing-and-harvesting/land-care-and-farm-management/farm-management-for-healthy-waterways/</a>
Ministry for Primary Industries – hill country erosion programme	<a href="http://www.mpi.govt.nz/funding-and-programmes/environment-and-natural-resources/hill-country-erosion-programme/funded-hill-country-erosion-programmes/">www.mpi.govt.nz/funding-and-programmes/environment-and-natural-resources/hill-country-erosion-programme/funded-hill-country-erosion-programmes/</a>
NZ Landcare Trust – find out how to set up a catchment group	<a href="http://www.landcare.org.nz/resource-item/starting-a-catchment-group">www.landcare.org.nz/resource-item/starting-a-catchment-group</a>
One Billion Trees – Matariki Tu Rākau community planting projects	<a href="http://www.teururakau.govt.nz/funding-and-programmes/forestry/planting-one-billion-trees/matariki-turakau/">www.teururakau.govt.nz/funding-and-programmes/forestry/planting-one-billion-trees/matariki-turakau/</a>
One Billion Trees – landowner planting grants	<a href="http://www.teururakau.govt.nz/funding-and-programmes/forestry/planting-one-billion-trees/one-billion-tree-fund/#landowner">www.teururakau.govt.nz/funding-and-programmes/forestry/planting-one-billion-trees/one-billion-tree-fund/#landowner</a>

## Rural Support Trusts

Are you concerned about someone – a family member, partner, worker, yourself?

Your local rural support trust is a great place to start for a free and confidential chat. Rural support trusts have people experienced in farming, getting through adverse events, and stress management and, with your agreement, can put you in touch with other services that can help.

Call 0800 787 254 (0800 RURAL HELP) to arrange a free and confidential chat on the phone, at your place, or somewhere else that suits you.

## How we got here

Many of New Zealand's fresh waterways are in poor health, and some under severe threat as a result of generations of population growth and land-use intensification in both urban and rural environments. Many growers and farmers, iwi, communities, industry and regional councils are taking significant steps to improve freshwater in their catchments and regions. But action has been inconsistent and reports on freshwater health continue to show downwards trends in many areas.

In 2018 the Government set up four advisory groups, including leading voices from the primary sector, to pick up and take forward the work of the Land and Water Forum.

In 2019, the Government consulted on new regulations and a new risk-based approach for improving farm environmental practices through mandatory farm plans in the document *Action for healthy waterways*. Meetings were held across the country and over 17,500 submissions were received. In response to those submissions, the Government made some changes to the proposals. The Government also took the impact of COVID-19 into account.

The changes made since consultation and in light of COVID-19 have significantly reduced the costs of the package, without compromising the major environmental benefits it aims to achieve. The changes will give growers and farmers more time to prepare to meet the costs and allow councils longer timeframes, recognising the impact of the COVID-19 response and recovery. Read more about the Government's approach in the *Summary of Action for healthy waterways*, at the Ministry for the Environment's website. You can also read the cabinet paper and other documents related to the *Action for healthy waterways decisions* at [www.mfe.govt.nz/action-for-healthy-waterways](http://www.mfe.govt.nz/action-for-healthy-waterways).

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