New Regulations aimed at Improving New Zealand's Freshwater Quality

New Zealand's farmers and growers are leading the way in global farming practices, including taking action to clean up waterways and revive wetlands. All New Zealanders have a special connection to our waterways and want to improve freshwater quality so we can fish and swim in our rivers and lakes.

But there is still some way to go, hence the Ministry for the Environment's package of new rules around improving water quality in all river catchments, which are outlined below, along with a number of other new land use and climate action reforms affecting farmers and growers.

The overarching guidance for these new rules is contained in the Essential Freshwater Package, which allows farmers and growers to customise actions for improving water quality in their own catchments. We are investing nationally, in each region, within catchments and on farm to help carry out these reforms.

Freshwater farm plans will be the key delivery mechanism of the Essential Freshwater package. They will consolidate into one plan, specific to each farm, all the different rules surrounding wetlands, fish passage, stock exclusion, stockholding areas, nitrogen cap, sediment and erosion thus reducing the need for individual consents.

ESSENTIAL FRESHWATER WAI MĀORI MĀTUATUA

TE MANA O TE WAI

ESSENTIAL FRESHWATER REGULATIONS STILL PENDING Regulation Pending	Up to December 2022	2023	2024	2025
Freshwater Farm Plans				
Freshwater farm plans (FWFPs) are a key mechanism to deliver the Essential Freshwater suite of reforms by providing practical actions for farmers and growers to improve local waterways. They require individual farmers to identify the adverse effects that their farming activity may have on their catchment and address them. The aim is to consolidate all the different rules, regulations and plans into one freshwater farm plan specific to each farm. Freshwater farm plans will be mandatory for approximately 34,500 farmers and growers in New Zealand.	Last quarter of 2022: The FWFP farm plan system – including guidance and the audit/certification function - has been tested in 3 pilot regions (Southland, Waikato, Gisborne). Feedback from these pilots will be built into the roll-out of the regulations in early 2023.	From January, there will be targeted consultation on the FWFP Exposure Draft; the regulations will be Gazetted and rolled out in early-2023 in Southland, Waikato, Gisborne.	Subsequent regions for roll out will be determined through discussion with the regional and unitary councils. An indicative list of roll-out regions from mid-2023 to the end of 2025 is currently in the following order, noting the dates are yet to be confirmed: Hawke's Bay, Otago, West Coast, Bay of Plenty, Greater Wellington, Horizons, Taranaki, Marlborough, Tasman/Nelson, Canterbury, Chathams, Northland, Auckland	
Stock Exclusion				
Stock exclusion regulations are a key mechanism to prohibit access of cattle, pigs and deer to wetlands, lakes and rivers. Livestock entering waterways contaminate the water, damage the banks, compromise water recreation and mahinga kai. Livestock dung and urine can carry disease and also promote weed growth, declining the ecosystem and inhibiting fish spawning. The Stock Exclusion Regulations use a map of low slope land that identifies areas where beef cattle and deer must be excluded from water bodies from 1 July 2025. Improvements to this map have been made to address concerns that the map was wrongly capturing some land.	Improvements to the low slope map are expected to be released before the end of 2022.	On 1 July 2023, the regs apply to lakes and wide rivers for: • *Dairy cattle & pigs* • *Beef cattle & deer intensively grazed*		On 1 July 2025 the regs also apply to: • *Dairy support cattle* • *All stock must be excluded from wetlands on low slope land*

ESSENTIAL FRESHWATER REGULATIONS STILL PENDING

Regulation Pending

	Up to December 2022	2023	2024	2025
Wetlands				
Wetlands regulations restrict damaging activities in and near natural wetlands. The Resource Management (Stock Exclusion) Regulations 2020 mandate that certain stock (such as beef cattle, dairy cattle, dairy support cattle, deer and pigs) must be excluded from natural wetlands in some circumstances. All these regulations are designed to prevent further loss of New Zealand's valuable natural wetlands, which provide ecosystem buffers and are essential habitat for a diverse range of endemic flora and fauna and fish species.	Consultation on wetlands technical changes occurred in 2022 and final amendments are expected for consideration. Consultation on wetlands in the coastal marine area closed in September 2022.	Guidance is expected on mapping to identify natural wetlands.		
Risk Index Tool				
Though not a regulation, the web-based contaminant discharge risk index tool for on-farm nutrient management is being developed. It will identify land where there is a greater risk of nutrient loss into waterways, which impacts water quality. This regulation could also inform freshwater farm plans.		Phase one is being introduced by mid-2023 and then evaluated.		

ESSENTIAL FRESHWATER REGULATIONS NOW IN EFFECT

	Up to December 2022	2023	2024	2025
Intensive winter grazing				
Grazing livestock on paddocks planted with fodder crops can, when done poorly, have serious negative effects on freshwater quality and ecosystems. The Intensive Winter Grazing regulations prescribe that the area of the farm used for intensive winter grazing must be no greater than 50 ha or 10% of the area of the farm, whichever is greater. Any land with a maximum slope of less than 10 degrees may be used for intensive winter grazing activities as a permitted activity.	The regulations came into effect from 1 November 2022. Farms outside the size or slope limits or, not of will have to apply for a consent.	The regulations apply for the 2023 winter grazing season.		

ESSENTIAL FRESHWATER REGULATIONS NOW IN EFFECT

	Up to December 2022	2023	2024	2025
Synthetic Nitrogen Limits				
The application of synthetic nitrogen fertiliser leads to high nitrate levels in the soil. Runoff from this soil can degrade our waterways. To manage and reduce the amount of synthetic nitrogen applied to pasture on farms of 20 hectares plus, dairy farmers are now required to report their annual nitrogen use to the Ministry for the Environment through one of three online portals. The amount of synthetic nitrogen fertiliser farmers can apply must not exceed 190 kilograms of nitrogen per hectare, per year, on the grazed land area. Regulations relating to fertiliser sales reporting are currently being progressed. The sales reporting will be used to triangulate national trends and on-farm nitrogen fertiliser use.	The regulations came into effect on 1 July 2021. To comply with the new rules, dairy or non-complying farmers must submit a report each year on their nitrogen fertiliser use to their regional council by 31 July each year, covering the year ended 30 June. Fertiliser sales engagement with the farming sector, fertiliser wholesalers and ENGOS was held in 2022.			
Stockholding and Feedlots				
Stockholding regulations are intended to capture higher risk stockholding activities. Stockholding areas cover feed pads and winter pads but not stockyards, milking sheds, wintering barns or sacrifice paddocks. **Feedlots:** The regulations apply to the use of land on a farm for holding cattle in a feedlot, and to associated discharges of contaminants into or onto land. 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 kg. In any other case, the farmer must apply for resource consent.	Stockholding and feedlot regulations have been in effect since Sept 2020. They apply to farms of 5ha or more of horticulture land use, 20 ha or more of pasture and arable crops, and 20 ha or more of a combination of these. If these limits are exceeded, consent will usually be required.			
Rivers and Streams				
Regulations to prevent the loss of river extent and water quality came into effect in 2020. There is also a new regulation in the NES-F to limit the reclamation of riverbeds.	Rivers and streams protection regulations are in effect.			

ESSENTIAL FRESHWATER REGULATIONS NOW IN EFFECT	Up to December 2022	2023	2024	2025
Restrictions on Agricultural Intensification				
The regulations apply to specified intensification of agricultural land, and associated discharges of contaminants into or onto land, and/or into a waterway. Some small-scale intensification is permitted under the regulations, provided the amount of land use from conversion or expansion doesn't increase by more than 10 hectares.	Regulations applied September 2020 and are in effect.			
Enabling Fish Passage				
Indigenous fish (such as tuna/eels and īnanga/whitebait) and sports fish (such as trout and salmon) need to be able to move between freshwater habitats to access feeding and spawning environments. Structures such as culverts, dams, weirs, fords and tide gates can delay or stop fish from accessing critical habitats. Farmers and growers planning new structures with potential to block or impede fish passage are required to consult their regional council. The regulations do not apply to existing structures prior to September 2020 or customary weirs.	Fish passage regulations in effect.			
Sediment and Erosion Control				
Regulations for monitoring and managing sediment came into effect in the NPS-FM 2020.	Regulations in effect.			

Actions outside EFW reforms that affect freshwater improvement

REGULATION	Up to December 2022	2023	2024	2025
The National Policy Statement for Indigenous Biodiversity				
This regulation will protect, restore or maintain outstanding natural features and landscapes, significant indigenous vegetation and habitats. Implementation will happen over several years through councils identifying and managing biodiversity. Biodiversity has many on-farm benefits including erosion prevention, soil improvement and shelter/shade for stock. Budget has been secured to support landowners to manage biodiversity on private land.	Extensive consultation on the NPS-IB since 2019; Exposure Draft in June 2022.	Gazettal in early 2023. Developing investment, incentives and guidance programmes as part of the implementation package.		
National Environment Standards for-Plantation Forestry				
Permanent exotic forests like radiata pine have potential environmental and ecological risks, including sediment runoff into waterways. The NES for Plantation Forestry is a regulatory tool that covers all plantation forests over one hectare. Councils are responsible for compliance and enforcement of the standards. We are reviewing the NES-PF to ensure the right forest is planted in the right place for the right reasons, managed in the right way, and to ensure retention of important productive land uses.	Consultation in early 2022 raised concerns about the effects on Māori so decisions have been delayed.	Further engagement due in 2023. Regulation not expected until later in 2023		
Agricultural Emissions Pricing				
Agricultural Emissions Pricing is aimed at slowing climate change by building a system for farms to measure and report, then manage, their greenhouse gas emissions by 2024. This emissions pricing system will be delivered by MfE alongside MPI if it proceeds. If not, the New Zealand Emissions Trading Scheme will apply instead for the agricultural sector. The Government partnered with the agricultural sector and iwi Māori via the He Waka Eke Noa Primary Sector Climate Action Partnership to take action to reduce agricultural emissions. The Partnership was tasked with designing a farm level pricing option as an alternative to the Emissions Trading Scheme.	HWEN Primary Sector Action Partnership delivered its recommendations to Government in May 2022, proposing a farm-level split-gas levy in 2025. Consultation on this closed November 2022 on any proposed changes to the Partnership's recommendations.	Final decisions on how to implement an Agricultural Emissions Pricing system due in 2023.		Farm-level split gas emissions levy due in 2025 if current proposals in regulations are passed.

REGULATION	Up to December 2022	2023	2024	2025
The National Policy Statement for Highly Productive Land				
Highly productive land (or versatile land) is the highest quality land we have for growing food and crops, but it is being slowly lost as a result of urban growth. Loss of this land can force growers onto more marginal land requiring more fertiliser. This can affect water quality from nitrate runoff. The Highly Productive Land legislation will prevent councils from allowing urban development to take over productive farmland. PID will assist with the rollout of these regulations through councils.	The NPS-HPL was enacted in late 2022.			
Resource Management Reform				
The transition from the current Resource Management Act 1991 (RMA) to the new resource management system will be sequenced over seven to ten years. MfE will manage the transition and provide support and advice. 1. The Spatial Planning Act will mandate spatial planning (mapping what land is used for) and integrate other legislation that needs to feed into spatial planning in the long term (eg 30 years plus). Regions will develop spatial strategies for regional land use and infrastructure planning, taking into account natural and built environments as well as their development needs. 2. The Natural and Built Environment Act will ensure that building and infrastructure development happens within biophysical limits that the environment can sustain. It will consolidate all current policies and rules, including national environmental standards, such as for air and water. The Ministry will work with councils, iwi and hapu to help them prepare a Natural and Built Environment Plan – a rulebook for detailed controls that will guide planning activities within the region.	The new Resource Management reforms were announced in late 2022.			

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