

Regulations to improve Aotearoa 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 Government's package of new rules around improving water quality in all river catchments. These are outlined below, along with 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. The Government is investing nationally, in each region, within catchments and on farm to help carry out these reforms.

ESSENTIAL FRESHWATER REGULATIONS IN EFFECT

2023

2024

2025

Freshwater farm plans

Freshwater farm plans are a key part of the Essential Freshwater reforms and will provide a practical way for farmers and growers to identify, manage and reduce the impact of farming on the environment.

They are a recognition that one size fits all does not work on farm.

Freshwater farm plans will be mandatory for approximately 34,500 farmers and growers in Aotearoa New Zealand.

Freshwater Farm Plans regulations came into effect on 1 August 2023, starting in parts of Southland and Waikato.

In 2024 and 2025 the list of councils for implementation (in this order but unconfirmed) is Otago, West Coast, Manawatu/Horizons, Bay of Plenty, Greater Wellington, Hawke's Bay, 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. Improvements to this map have been made to address concerns that the map was wrongly capturing some land.

Regulations apply from 1 July 2023.

Dairy cattle, intensively grazed beef cattle and deer, and pigs must be excluded from lakes and rivers more than a metre wide by 1 June 2023.

Dairy support cattle must be excluded by 1 June 2025.

Beef cattle and deer that aren't grazed intensively must be excluded from lakes and rivers more than a metre wide by 1 June 2025, but only on parts of a farm captured in the map of low slope land.

Consultation on some aspects of the map took place from 19 June 2023 for four weeks.

On 1 July 2025 the regulations also apply to:

- dairy support cattle
- all stock must be excluded from wetlands on low slope land.

ESSENTIAL FRESHWATER REGULATIONS IN EFFECT

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 Aotearoa 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.

Wetlands regulations are in effect, with guidance continuing to be developed on the mapping of natural wetlands.

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, which came into effect in November 2022, apply from the 2023 winter grazing season. Farms outside the size limit or slope limit will have to apply for a consent.

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 show national trends and on-farm nitrogen fertiliser use.

To comply with the rules, dairy or non-complying farmers must submit an annual report on their nitrogen fertiliser use to their regional council by 31 July each year covering the year ended 30 June.

ESSENTIAL FRESHWATER REGULATIONS IN EFFECT

2023

2024

2025

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 apply to farms of 5 hectares or more of horticulture land use, 20 hectares or more of pasture and arable crops, and 20 hectares 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 National Environmental Standards for Freshwater to limit the reclamation of riverbeds.

Rivers and streams protection regulations are in effect.

Agricultural intensification

In effect since 2020, the regulations apply to specified intensification of agricultural land, and associated discharges of contaminants into or onto land, 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.

ESSENTIAL FRESHWATER REGULATIONS IN EFFECT

2023

2024

2025

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. The regulations do not apply to existing structures before September 2020 or customary weirs.

Farmers and growers planning new structures with potential to block or impede fish passage are required to consult their regional council.

Sediment and erosion control

Regulations for monitoring and managing sediment came into effect in the National Policy Statement for Freshwater Management 2020.

National Policy Statement for Highly Productive Land 2022

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, enacted in 2022, will prevent councils from allowing urban development to take over productive farmland.

The Ministry is working with councils on the rollout of this legislation.

National Policy Statement for Indigenous Biodiversity 2023

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 significant natural areas and managing the adverse effects of new activities on them. It provides for established activities to continue at the same level.

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.

The National Policy Statement for Indigenous Biodiversity came into effect in July 2023.

Exploration of a biodiversity credit system will continue.

Implementation support will include assistance for councils to identify significant natural areas, support for iwi/Māori and landowners, and implementation guidance and tools.

Territorial authorities must have given effect to the provisions relating to significant natural areas by mid-2028, and councils must have notified any changes to their plans and policy statements by mid-2031. Regional councils must have completed or updated their regional biodiversity strategies by mid-2033. Those without a regional biodiversity strategy must have started the process to develop one by mid-2026.

Actions outside Essential Freshwater reforms that affect freshwater management

REGULATIONS PENDING

2023

2024

2025

National Environment Statement for Plantation Forestry 2018

Regulations passed in 2018 under the Resource Management Act to manage environment effects of forests planted for harvest have been reviewed. Changes to the Act, to enable councils to have greater control over the location of forests – to have the right type and scale of forests in the right place – were consulted on in late 2022.

In June 2023, the Government announced decisions to amend the National Environmental Standard for Plantation Forestry: to expand types of forests controlled to include exotic continuous cover forests (carbon forests), enable councils to develop local controls on exotic and plantation forests, and make changes to better manage the environmental effects of forestry including slash and wilding pines.

These regulatory changes are expected to be enacted by October 2023.

The recommendations of the Ministerial Inquiry into Land Use in Tairāwhiti and Wairoa, released in May 2023, may require further changes to NES-PF in future, depending on Cabinet decisions.

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 the Ministry 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.

The Ministry is continuing to work with the sector to achieve a workable agricultural emissions pricing process.

Farm-level split gas emissions levy due in 2025 if current proposals in regulations are passed.

REGULATIONS PENDING

2023

2024

2025

Risk Index Tool (Not a regulation)

A nitrogen contaminant discharge risk index tool (RIT) for on-farm nutrient management is part of the Government's response to the review of the Overseer nutrient management model.

This web-based decision-support tool will be introduced in phases from late 2023. It will provide a practical way to meet freshwater outcomes by identifying areas of greater nitrogen-loss risk from land. The RIT could help inform certified freshwater farm plans (FWFPs) or resource consent processing as a part of a multi-evidence approach.

The RIT will be introduced in phases for use by late 2023. Use of the RIT is not mandated by the Ministry for the Environment. Councils may choose to use the RIT as a decision-support tool, as part of a multi-evidence approach, in their regulatory processes and/or freshwater farm plan requirements.

