PACKAGE

3

Discussion document

Have your say on proposed changes to national direction

Freshwater

Te Kāwanatanga o Aotearoa
New Zealand Government

Disclaimer

The information in this publication is, according to the Ministry for the Environment's best efforts, accurate at the time of publication. The Ministry will make every reasonable effort to keep it current and accurate. However, users of this publication are advised that:

- the information does not alter the laws of New Zealand, other official guidelines, or requirements
- it does not constitute legal advice, and users should take specific advice from qualified professionals before taking any action based on information in this publication
- the Ministry does not accept any responsibility or liability whatsoever whether in contract, tort, equity, or otherwise for any action taken as a result of reading, or reliance placed on this publication because of having read any part, or all, of the information in this publication or for any error, or inadequacy, deficiency, flaw in, or omission from the information in this publication
- all references to websites, organisations or people not within the Ministry are for convenience only and should not be taken as endorsement of those websites or information contained in those websites nor of organisations or people referred to.

This document may be cited as: Ministry for the Environment. 2025. *Package 3: Freshwater – Discussion document.* Wellington: Ministry for the Environment.

Published in May 2025 by the
Ministry for the Environment
Manatū mō te Taiao
PO Box 10362, Wellington 6143, New Zealand
environment.govt.nz

ISBN: 978-1-991140-88-3
Publication number: ME 1897

Contents

Tables

Figures

Message from the Minister Responsible for RMA Reform

This Government is committed to enabling primary sector growth as a key driver of both the New Zealand export sector and prosperity in the wider economy. Achieving this will require high-quality regulation that targets environmental outcomes by setting limits for landowners to work within. However, the current freshwater management system is complex and expensive to implement and has not delivered the outcomes for freshwater that New Zealanders expect.

We have committed to replace the National Policy Statement for Freshwater Management 2020 and the National Environmental Standards for Freshwater to better reflect the interests of all water users.

This Government wants to enable primary sector growth to drive both the New Zealand export sector and prosperity in the wider economy. Growing our economy and improving productivity relies on our primary sector thriving – and right now our freshwater rules are holding it back.

Next year we'll replace the RMA with new legislation premised on property rights. Our new system will unlock development, streamline processes, and support growth, including in the primary sector. Our simpler resource management system will provide for environmental outcomes without telling landowners how to run their business or imposing unnecessary consenting and compliance costs.

But we aren't willing to wait until then. New Zealanders need relief from an overly burdensome planning system now. This is why we are proposing targeted changes to a suite of National Direction this year to realise immediate economic gains.

The proposals set out in this discussion document are designed to equip regional councils to manage freshwater resources in a way that is efficient, effective, and aligned with the Government's goals. In addition, we are seeking feedback on proposals that will address barriers to investment in water storage and provide clearer rules for food production and wetland management.

Some proposals presented in this document are specific while others span a range of approaches. We seek your views on which approach would result in an enduring freshwater management system.

These National Direction changes have been designed to minimise the implementation burden for local government and have been developed with the new system in mind, with these changes expected to carry over and transition into it when the time comes.

Your input will shape our final proposals, which we expect to be able to test further later this year. We look forward to hearing your thoughts.

Hon Chris Bishop
Minister Response for RMA Reform

Section 1: Introduction

What are we proposing?

The Government is proposing new and amended national direction[1] to improve operation of the resource management system under the Resource Management Act 1991 (RMA). Updated national direction is needed to set national-level resource management policy and rules which inform regional and local plans, policy statements, and resource consent decisions.

The national direction programme proposes:

- targeted amendments to 12 existing national direction instruments and introduction of four new national direction instruments, through a combined statutory consultation process
- consultation on options to amend two existing national direction instruments on freshwater
- consultation on national housing and urban policy (currently part of national direction under the RMA) to inform development of the new resource management system.

The Government is also seeking feedback on whether the freshwater changes should be implemented through amending national direction under the RMA or whether it would be better to implement these under the framework of the new resource management legislation.

For efficiency and integration across related topics, the programme is grouped into four 'packages'.

Package 1: Infrastructure and development and **Package 2: Primary sector** comprise new instruments and amendments to existing national direction instruments. These packages are open for public consultation and submissions as part of the statutory process to prepare and amend national direction under section 46A (1) and (2) of the RMA.

Package 3: Freshwater is open for feedback on options to amend existing national direction instruments for freshwater. Submissions are invited on freshwater proposals, which include some broad options. Further consultation will be undertaken through an exposure draft.

Package 4: Going for Housing Growth includes a discussion document for consultation and submissions on key aspects of the Going for Housing Growth Pillar 1 policy proposals, and an indicative assessment of implementation options for different components in the new resource management system. Further consultation will be held as the detailed design of the new system progresses.[2]

---

1 National direction comprises national policy statements, national environmental standards, national planning standards and regulations made under section 360 of the RMA.

2 See Ministry of Housing and Urban Development. Going for Housing Growth programme. Retrieved 28 April 2025.

Table 1: National direction instruments proposed for development or amendment[3]

Package 1: Infrastructure and development
• New National Policy Statement for Infrastructure • Amendments to National Policy Statement for Renewable Electricity Generation 2011 • Amendments to National Policy Statement on Electricity Transmission 2008 (proposed to be renamed National Policy Statement for Electricity Networks) • Amendments to Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (proposed to be renamed National Environmental Standards for Electricity Network Activities) • Amendments to Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 • New National Environmental Standards for Granny Flats (Minor Residential Units) • New National Environmental Standards for Papakāinga • New National Environmental Standards for Natural Hazards
Package 2: Primary sector
• Amendments to Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020 • Amendments to Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 • Amendments to New Zealand Coastal Policy Statement 2010 • Amendments to National Policy Statement for Highly Productive Land 2022 • Amendments to Resource Management (Stock Exclusion) Regulations 2020 • Amendments to mining and quarrying provisions in: – National Policy Statement for Indigenous Biodiversity 2023 – National Policy Statement for Highly Productive Land 2022 – National Policy Statement for Freshwater Management 2020 – Resource Management (National Environmental Standards for Freshwater) Regulations 2020
Package 3: Freshwater
• Amendments to National Policy Statement for Freshwater Management 2020 • Amendments to Resource Management (National Environmental Standards for Freshwater) Regulations 2020
Package 4: Going for Housing Growth
This package focuses on: • obtaining public feedback on key aspects of the Going for Housing Growth Pillar 1 policy proposals • providing an indicative assessment about implementing different components in the new resource management system.

[3] The packages do not propose amendments to other regulations made under section 360 of the RMA, or to the following national direction instruments:

- National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat
- National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat
- National Environmental Standards for Air Quality
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health
- National Environmental Standards for Sources of Human Drinking Water
- National Environmental Standards for Storing Tyres Outdoors.

Why are we changing national direction?

The proposals in the national direction programme are intended to contribute to the overarching goals of the Government's resource management reform programme, namely:

- unlocking development capacity for housing and business growth
- enabling delivery of high-quality infrastructure for the future, including doubling renewable energy
- enabling primary sector growth and development, including aquaculture, forestry, pastoral, horticulture and mining.

Role and content of this discussion document

Through this discussion document, the Government invites submissions on the proposals. Submissions will inform advice the Government considers before making final decisions or drafting any amendments to national direction instruments. Further consultation will then be undertaken on an exposure draft of proposals to amend freshwater national direction.

National direction for freshwater includes the following:

- National Policy Statement for Freshwater Management 2020[4] (NPS-FM)
- Resource Management (National Environmental Standards for Freshwater) Regulations 2020[5] (NES-F)
- Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007[6] (NES-DW).

Proposed changes to the Resource Management (Stock Exclusion) Regulations 2020[7] and specific amendments to freshwater national direction instruments relating to quarrying and mining only are set out in the Package 2: Primary sector discussion document.

Section 2 of this discussion document outlines the scope and content of the proposed amendments to freshwater national direction instruments.

Section 3 outlines the potential tools available to implement freshwater national direction proposals.

Section 4 explains how you can make a submission.

Section 5 provides supporting documents including summary of freshwater proposals and implementation, and draft standards for off-stream water storage.

Further information on the proposed changes to national direction, including Interim Regulatory Impact Statements, can be found on the Changes to resource management web page on the Ministry for the Environment's website.

---

4 Current and previous versions of this national policy statement are available online. Ministry for the Environment. National Policy Statement for Freshwater Management. Retrieved 5 April 2025.

5 Resource Management (National Environmental Standards for Freshwater) Regulations 2020.

6 Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007.

7 Resource Management (Stock Exclusion) Regulations 2020.

Section 2: Options for changing national direction for freshwater

Introduction

The Government is committed to safeguarding freshwater for the benefit of all New Zealanders.

New Zealanders rely on freshwater for a wide range of uses, both essential (eg, drinking water) and recreational (eg, swimming and fishing). Water is crucial for many industries and underpins the primary sector. Farmers and growers in Aotearoa New Zealand are leading the way in global farming practices, including taking action to clean up waterways and revive wetlands.

Freshwater is under increasing pressure. A growing population and land-use changes have contributed to deteriorating water quality in some areas. The demand for freshwater is increasing, and climate change is contributing to shortages in some parts of the country at certain times.

The approach to managing freshwater has become too complex and expensive to implement. It will not deliver the outcomes for freshwater that New Zealanders expect. Councils have said that the National Policy Statement for Freshwater Management 2020 (NPS-FM) is inflexible. It does not allow them to take account of matters that they should be able to when managing freshwater, including differences between regions and catchments.

The NPS-FM has been amended many times since it was introduced in 2011. The frequency of change has been inefficient. In seeking a balance that better reflects the interests of all water users, the Government aspires to freshwater management settings that will be enduring. The proposals in this document will enable feedback on how to achieve that.

Topics in this discussion document

This discussion document covers the following topics:

- rebalancing freshwater management through multiple objectives
- rebalancing Te Mana o te Wai
- providing flexibility in the National Objectives Framework
- enabling commercial vegetable growing
- addressing water security and water storage
- simplifying the wetlands provisions
- simplifying the fish passage regulations
- addressing remaining issues with the farmer-facing regulations (ie, synthetic nitrogen fertiliser)
- including mapping requirements for drinking water sources.

Impact analysis

This document is partnered with impact analysis covering these topics. The impact analysis documents are available on the Ministry for the Environment's website. They provide detailed information to support you to make informed submissions. This includes information on regulatory settings, how these might change, and estimates of the costs and benefits of those changes.

The impact analysis documents also include a Treaty Impact Analysis. Freshwater management is an issue of significance to tangata whenua, and all of the options in this document intersect with Māori freshwater rights and interests in some way. The Treaty Impact Analysis looks at the potential impacts of these options on Māori rights and interests, and on Treaty settlements.

Further impact analysis will be completed once final policy proposals are developed following this consultation.

Relationship to wider resource management reform

The Government has already paused regional councils' ability to notify freshwater planning instruments[8] while it is working through changes to national direction and a significant reform programme to replace the RMA.

That is why we are also seeking feedback on **whether any of the changes proposed in this discussion document should be implemented now, or if they should instead be incorporated into or made under the upcoming replacement legislation for the RMA**.

Further information on implementation options for national direction more broadly is included in Section 3.

Question	
1.	What resource management changes should be made in the current system under the RMA (to have immediate impact now) or in the future system (to have impact longer term)? From the topics in this discussion document, which elements should lead to changes in the current system or the future system, and why?

[8] Through amendments to section 80A of the RMA by the Resource Management (Freshwater and Other Matters) Amendment Act 2024.

Part 2.1: Rebalancing freshwater management through multiple objectives

The Government has committed to:

- replacing the NPS-FM to better reflect the interests of all water users
- replacing the NPS-FM to allow district councils more flexibility in how they meet environmental limits.

The NPS-FM has a single objective

Currently, the NPS-FM's sole objective sets out a hierarchy of obligations to ensure that natural and physical resources are managed in a way that prioritises:

- first, the health and well-being of water bodies and freshwater ecosystems
- second, the health needs of people (such as drinking water)
- third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

The Government is concerned this hierarchy is currently being interpreted as requiring pristine water quality to be achieved, before allowing any other uses of freshwater. This is not consistent with the Government's intention for how the NPS-FM should be applied.

Multiple objectives for the NPS-FM

The NPS-FM used to have multiple objectives before it was amended in 2020 to have a single objective. Multiple objectives require councils to provide for multiple outcomes and can better reflect the interests of all water users. This is a more balanced approach than the current hierarchy in the NPS-FM's single objective.

The objectives proposed in this discussion document, particularly those relating to costs and timeframes, are intended to help ensure that efforts to improve freshwater quality are realistic and practical for communities and sector groups.

The Government is consulting on **whether to replace the NPS-FM's single objective (clause 2.1 of the NPS-FM) with multiple new objectives**. The potential new objectives are summarised below.

Providing for health of the environment, people, social, cultural and economic well-being

In the 2017 version of the NPS-FM, councils were directed to safeguard the life-supporting capacity of fresh water, as well as enabling communities to provide for their economic well-being (among other outcomes).[9]

We are consulting on **introducing a new objective that will direct councils to**:

- safeguard the life-supporting capacity of freshwater and the health of people and communities
- while enabling communities to provide for their social, cultural and economic well-being, including productive economic opportunities.

This objective would not operate as a hierarchy but would require councils to provide for these matters equally within their planning documents.

Considering the pace and cost of change

The NPS-FM does not specifically require councils, when setting targets and controls on resource use, to consider the anticipated costs, or to inform their communities about these costs.

The NPS-FM has often been misinterpreted as requiring water quality and bottom lines to be achieved or complied with immediately. However, the NPS-FM has never specified a timeframe by which targets and limits must be met. This is a choice for councils and communities.

We are consulting on **introducing a new objective to consider the pace and cost of change, and who bears the cost**. This would support councils and communities to have balanced conversations about their aspirations for the environment. It would require councils to consider:

- communities' long-term goals/visions for freshwater
- the cost of change and who bears the cost (including what the trade-offs are)
- within what timeframes change should occur, recognising that improving freshwater quality will require iterative, gradual improvement over a long time and through multiple planning cycles.

This is expected to increase recognition that change takes time. Long timeframes for improving water quality have always been appropriate and are, in some cases, unavoidable.

Providing for vegetable growing and water security

We are also consulting on new objectives to enable the continued domestic supply of fresh vegetables, and to address water security. The detail of those objectives is covered in Part 2.4 and Part 2.5 below.

---

[9] This is covered in a number of objectives in the 2017 version of the NPS-FM, including Objectives A1, A4, B1 and B5, and Policies A7 and B8.

Setting an objective to maintain or improve

The NPS-FM requires freshwater quality to be maintained or improved.[10] Freshwater quality has to be at least *maintained* everywhere and may need to be *improved* if it is below a national bottom line or if councils/communities choose to aim for improvement. Targets have to be set at or above the national bottom line or current state.

We are consulting on **including the requirement to maintain or improve freshwater quality as a new objective**.

For further information on this topic, refer to the impact analysis document entitled *Interim Regulatory Impact Statement: Replacing the National Policy Statement for Freshwater Management*.

Questions	
2.	Would a rebalanced objective on freshwater management give councils more flexibility to provide for various outcomes that are important to the community? How can the NPS-FM ensure freshwater management objectives match community aspirations?
3.	What do you think would be useful in clarifying the timeframes for achieving freshwater outcomes?
4.	Should there be more emphasis on considering the costs involved, when determining what freshwater outcomes councils and communities want to set? Do you have any examples of costs associated with achieving community aspirations for freshwater?

[10] These requirements are expressed through Policy 5 in clause 2.2 of the NPS-FM, combined with clause 3.11, which sets out the process for setting targets.

Part 2.2: Rebalancing Te Mana o te Wai

The Government has committed to:

- rebalancing Te Mana o te Wai to better reflect the interests of all water users
- replacing the NPS-FM to better reflect the interests of all water users.

Te Mana o te Wai in the NPS-FM is a defined concept that refers to the fundamental importance of water. It includes a hierarchy of obligations that prioritises the health and well-being of water bodies and freshwater ecosystems, and a set of principles that describe the role of people in the management of freshwater.[11] Various provisions in the NPS-FM then refer to this defined concept and set out processes for how councils should apply it – for example, by actively involving tangata whenua in freshwater management.[12]

We are seeking feedback on options to rebalance Te Mana o te Wai

The proposal in the previous section to include multiple objectives in the NPS-FM is a key part of options to rebalance Te Mana o te Wai. We are consulting on **three additional options to rebalance Te Mana o te Wai**, as set out below.

Option 1: Remove hierarchy of obligations and clarify how Te Mana o te Wai applies

This option would amend the concept described in clause 1.3 of the NPS-FM and provisions referring to Te Mana o te Wai, to:

- remove the hierarchy of obligations
- clarify that for the purposes of the NPS-FM (and councils needing to 'have regard' to it in consent decision-making), Te Mana o te Wai does not apply to consenting decisions and that progressive improvement over time is allowed
- retain process steps for councils to apply Te Mana o te Wai – for example, by actively involving tangata whenua in freshwater management.

Option 2: Reinstate Te Mana o te Wai provisions from 2017

This option would remove the concept described in clause 1.3 and provisions referring to Te Mana o te Wai, and instead reintroduce provisions from the 2017 NPS-FM.[13]

---

11 Refer to clause 1.3 of the NPS-FM.

12 Refer to Policy 1 in clause 2.2, and to clause 3.2 of the NPS-FM for examples of provisions referring to the concept of Te Mana o te Wai.

13 See page 7 and Part AA of the 2017 version of the NPS-FM.

Option 3: Remove Te Mana o te Wai provisions

This option would completely remove the concept described in clause 1.3 and provisions referring to Te Mana o te Wai.

For further information on this topic, refer to the impact analysis document entitled *Interim Regulatory Impact Statement: Replacing the National Policy Statement for Freshwater Management*.

Questions	
5.	What will a change in NPS-FM objectives mean for your region and regional plan process?
6.	Do you think that Te Mana o te Wai should sit within the NPS-FM's objectives, separate from the NPS-FM's objectives, or outside the NPS-FM altogether – and why?
7.	How will the proposed rebalancing of Te Mana o te Wai affect the variability with which it has been interpreted to date? Will it ensure consistent implementation?

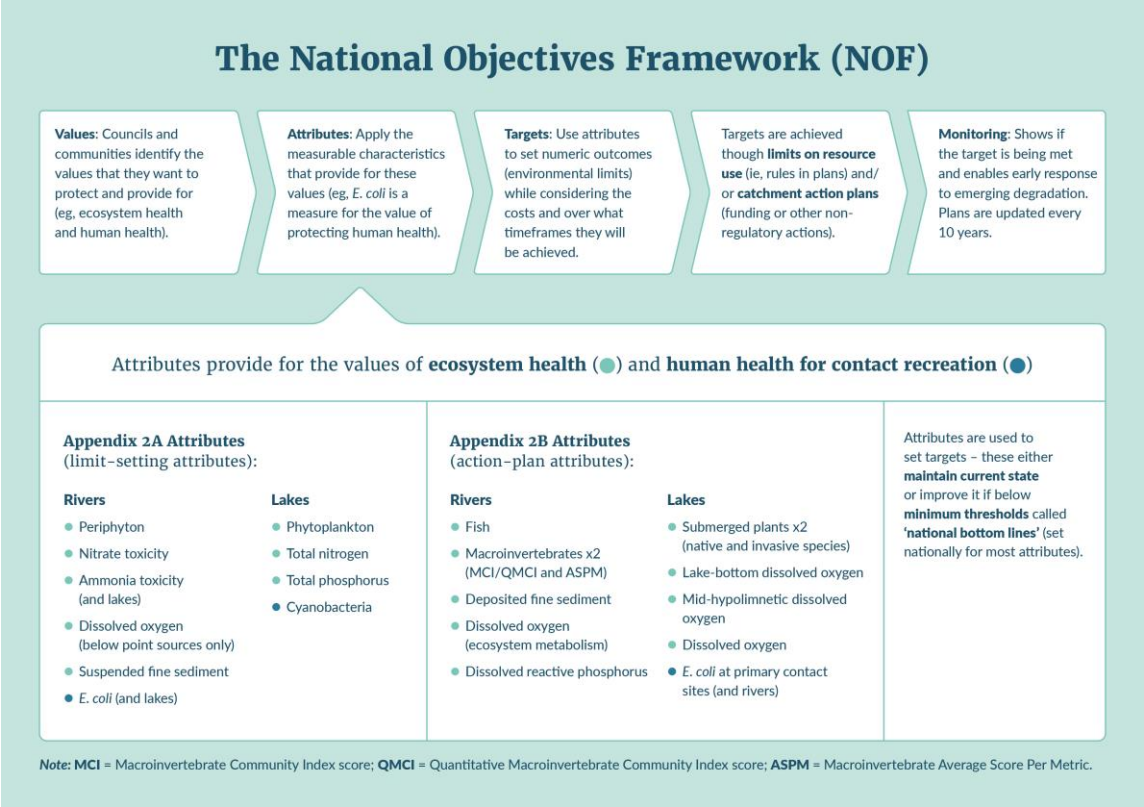
Part 2.3: Providing flexibility in the National Objectives Framework

The Government has committed to:

- replacing the NPS-FM to better reflect the interests of all water users
- replacing the NPS-FM to allow district councils more flexibility in how they meet environmental limits.

Since 2014, the National Objectives Framework (NOF) has provided a consistent process for setting environmental limits at a catchment level. Figure 1 describes the components and process of the NOF.

Figure 1: The National Objectives Framework



National direction needs some flexibility in terms of what councils measure and manage. Some bottom lines are arguably unsuitable for some catchments, and it may not always be necessary to manage all attributes to achieve desired environmental outcomes. The Government wants to ensure that the scope of the NOF and national bottom lines are focused only on matters critical at the national level.

We are consulting on **whether or not to retain some elements of the NOF and make it more flexible to implement**. This consultation covers:

- which values should be compulsory to provide for, and which should be optional
- which attributes and national bottom lines are critical for councils to manage nationally
- whether to give councils flexibility to deviate from the nationally defined thresholds (including bottom lines) that guide where the environmental limits (targets) are set, and to deviate from the detailed methods for monitoring attributes.

Values

The NOF requires councils and communities to develop a long-term vision and identify the values they want to see provided for. We are interested in which values should be compulsory.

The NPS-FM currently has four compulsory values,[14] which cover the core aspects that matter to people. These are healthy ecosystems, human interaction, mahinga kai (food gathering), and protection for our most threatened species. Councils are required to consider an additional nine optional values.[15]

Councils and communities could have more flexibility to choose the values they consider appropriate for their region. We are consulting on **which values should be compulsory to provide for, and which should be optional**.

Changes to which values are compulsory or optional would mean changes to Appendices 1A and 1B of the NPS-FM.

Table 2: Values for the National Objectives Framework

Compulsory values	Optional values
• Ecosystem health • Human contact • Mahinga kai • Threatened species Councils must provide for these values.	• Natural form and character • Fishing • Irrigation, cultivation and food (and beverage) production • Animal drinking water • Wai tapu • (Drinking) water supply • Commercial and industrial use • Hydro-electric power generation • Transport and Tauranga waka Councils may consider these values, having regard to their local and regional circumstances.

Attributes

Attributes in the NOF are measurable characteristics (eg, nutrient concentrations) that provide for values (eg, ecosystem health). Councils must at least *maintain* the health of freshwater. They must *improve* it if it is below minimum thresholds called 'national bottom lines', or where councils/communities choose to aim for improvement.

[14] Refer to Appendix 1A of the NPS-FM.

[15] Refer to Appendix 1B of the NPS-FM.

The management of attributes could be more flexible

We are consulting on **which attributes and national bottom lines are critical for councils to manage nationally**.

The NPS-FM has been criticised for being relatively inflexible. Some attributes may not need to be managed to achieve the desired outcomes in particular catchments. Also, councils and communities can identify additional attributes locally.

It is important councils are directed to manage the four major contaminants that are known to adversely affect freshwater (ie, nitrogen, phosphorous, sediment and *Escherichia coli* (*E. coli*)).[16] This direction will ensure cumulative effects are managed at the catchment scale, and it provides a basis for future resource allocation systems.

We are seeking feedback on all options, including whether attributes should be retained as compulsory or optional, and whether these should be subject to requirements to monitor and respond to degradation. Table 3 sets out an example of compulsory and optional attributes.

Table 3: Attributes for the National Objectives Framework

Compulsory values	Optional values
Ten compulsory attributes, as shown as Appendix 2A attributes in the NOF (see figure 1).	Eleven optional attributes, as shown as Appendix 2B attributes in the NOF (see figure 1).
Councils must manage these attributes through targets and controls on resource use, with the option to also use action plans.	Councils may manage these attributes – whether that is through targets and controls on resource use, or through action plans – having regard to their local and regional circumstances.
Councils must monitor all attributes and respond if an attribute shows a declining trend.	

Changes to which attributes are compulsory or optional would mean changes to Appendices 2A and 2B of the NPS-FM.

Nationally defined thresholds could also be more flexible

We are consulting on:

- whether to give councils flexibility to deviate from:
  - nationally defined thresholds (including bottom lines) that guide where the environmental limits (targets) are set
  - detailed methods for monitoring attributes
- whether national bottom lines are required at all, or if instead councils should determine where limits are set based on community input.

Nationally defined thresholds are sometimes inappropriate in a specific catchment (eg, due to naturally high levels of suspended sediment), and we are consulting on enabling councils to deviate from those thresholds in certain circumstances. Similarly, developments in science and evidence, or monitoring methods, may mean the thresholds need to be revised.

[16] Nutrients and sediment can degrade ecosystems and the cultural and recreational value of water, while pathogens can make people ill when they drink or swim in polluted water.

There are also trade-offs involved in providing this flexibility. That is why any additional flexibility (described in proposal (1) above) would be subject to it being used for specific purposes and having regard to appropriate matters. For example, councils could deviate from nationally defined thresholds or detailed methods for monitoring attributes because:

- the science underpinning a threshold or method for monitoring an attribute has changed
- local conditions make a threshold or method for monitoring an attribute inappropriate
- more effective or efficient methods are developed
- achieving national bottom lines has a high social, cultural or economic cost.

Councils would need to follow the default thresholds and monitoring methods prescribed for individual attributes in Appendices 2A and 2B of the NPS-FM, except for the above purposes.

Figure 2[17] illustrates an example of which elements of an attribute could be deviated from (shown below in orange) and which elements would still need to adhere to national default settings (shown below in green).

Figure 2: Example of how flexibility could apply to an attribute

Table 5 – Ammonia (toxicity)

Value (and component)	Ecosystem health (Water quality)	
Freshwater body type	Rivers and lakes	
Attribute unit	mg NH_4-N/L (milligrams ammoniacal-nitrogen per litre)	
Attribute band and description	**Numeric attribute state**	
	Annual median	Annual 95th percentile
A 99% species protection level: No observed effect on any species tested.	≤0.03	≤0.05
B 95% species protection level: Starts impacting occasionally on the 5% most sensitive species.	>0.03 and ≤0.24	>0.05 and ≤0.40
National bottom line	**0.24**	**0.40**
C 80% species protection level: Starts impacting regularly on the 20% most sensitive species (reduced survival of most sensitive species).	>0.24 and ≤1.30	>0.40 and ≤2.20
D Starts approaching acute impact level (that is, risk of death) for sensitive species.	>1.30	>2.20
Numeric attribute state is based on pH 8 and temperature of 20°C. Compliance with the numeric attribute states should be undertaken after pH adjustment.		

Key

National default settings Could be deviated from

[17] Table 5 from Appendix 2A of the NPS-FM is used here as an example to illustrate where deviation would be possible.

This would mean amending various clauses throughout Part 3, Subpart 2 of the NPS-FM to create a new process for deviating from nationally defined thresholds or detailed methods for monitoring attributes. It would also require consequential changes to be made to processes that use attributes to set targets, and to monitor and respond to degradation.

For further information, refer to the impact analysis document entitled *Interim Regulatory Impact Statement: Replacing the National Policy Statement for Freshwater Management*.

Questions	
8.	Which values, if any, should be compulsory? Why?
9.	What would be the practical effect of removing compulsory national values? Do you think this will make regional processes easier or harder?
10.	Which attributes, if any, should be compulsory to manage? Which should be optional to manage?
11.	Which attributes, if any, should have national bottom lines? Why?
12.	To what extent should action plans be relied upon, including to achieve targets for attributes?
13.	Should councils have flexibility to deviate from the default national thresholds (including bottom lines) and methods? Are there any other purposes which should be included?

Part 2.4: Enabling commercial vegetable growing

The Government has committed to:

- removing the need for growers to obtain a resource consent to grow food or rotate crops within a catchment.

New Zealand is particularly dependent on domestic production of fresh vegetables, given our geographic isolation and the short shelf life of certain produce (eg, leafy green vegetables).

Although nationally important, commercial vegetable growing is an intensive land use that risks discharges of sediment and nutrients to the environment. Accounting for only a small part of the country, commercial vegetable growing is typically concentrated in areas with conditions that support year-round growth. This can disproportionately contribute to nutrient loads in those catchments.

Growers have said that current rules and planning processes pose a risk to their ability to provide fresh vegetables for New Zealanders. These issues are particularly felt in areas where commercial vegetable growing is concentrated (such as Pukekohe and Horowhenua), which are significant contributors to domestic vegetable supply.

The Government wants to enable growers to grow food and rotate crops without the need to get a resource consent; it also wants New Zealanders to be able to access fresh vegetables at a reasonable price.

We are consulting on **two options to enable commercial vegetable growing**. These options have links to Special Agriculture Areas being consulted on under proposed amendments to the National Policy Statement for Highly Productive Land (see the Package 2: Primary sector discussion document).

Option 1: Recognising the importance of fresh vegetables in planning

We are consulting on **a new objective in the NPS-FM** to enable the continued domestic supply of fresh vegetables, and in doing so, to provide for crop rotation.

This would clearly signal that enabling domestic supply of fresh vegetables is a priority and that crop rotation needs to be addressed in planning, while allowing councils and communities to determine how they do that locally. More specific direction on how to provide for crop rotation could also be included, to drive consistency.

Option 2: Develop new national standards that permit commercial vegetable growing

We are also consulting on **developing new national standards that permit commercial vegetable growing**. We are seeking feedback on how these should be progressed.

These new standards could be based on growers having certified freshwater farm plans, or they could include specific conditions to manage the environmental effects associated with commercial vegetable-growing activities. For example, these conditions could relate to cultivation, fertiliser application and discharge, and waste management.

However, it is challenging to permit commercial vegetable growing without wider reform of the resource management system. This is because doing so would:

- pre-empt the allocation of scarce resources (ie, the ability to discharge nutrients), which would impact on competing resource users and occur in the absence of an allocation framework[18]
- be likely to have the greatest impact in areas that are already, or are close to being, over-allocated in terms of nutrient or other discharges.

The Government is replacing the RMA with new legislation. This will provide for greater standardisation (reducing reliance on consenting) and an allocation framework that carefully manages the interests of existing users. The new resource management system may provide a better opportunity to permit commercial vegetable growing.

For further information on this topic, refer to the impact analysis document entitled *Interim Regulatory Impact Statement: Commercial vegetable growing*.

Questions	
14.	What are the pros and cons of making commercial vegetable production a permitted activity?
15.	How do you think policies and/or rules should be designed to provide for crop rotation? Do you think these should be considered within sub-catchments only?
16.	For the proposal to develop nationally set standards, what conditions should be included?

[18] Under the RMA, natural resources are primarily allocated on a 'first-in, first-served' basis. This means councils decide consent applications in the order they receive them. When replacing consents, existing users are prioritised over new users.

Part 2.5: Addressing water security and water storage

The Government has committed to:

- amending the RMA to make it easier to consent new infrastructure, allow farmers to farm, and enable other primary industries
- cutting red tape and regulatory blocks on water storage and managed aquifer recharge (and other matters)
- removing the need for farmers to get a resource consent to build larger-scale water storage schemes on land.

Water security is becoming increasingly important

Freshwater is scarce at critical times in many parts of New Zealand, and water security is becoming increasingly important as the climate changes and the natural availability of water becomes more unpredictable.

A long-term approach to water security, which includes water storage, is needed to support the primary sector and build climate change resilience.

We are consulting on **providing direction to councils through a new objective or policy in the NPS-FM to address the issue of water security as part of climate change resilience**.

Building water storage on land could be made easier

Government commitments on water storage have been partly addressed by the introduction of the Fast-track Approvals Act 2024 and Building (Dam Safety) Amendment Regulations 2024. These developments have made it easier to build water infrastructure of regional and national significance, as well as reducing some regulatory requirements for smaller-scale, on-farm water storage.

We are consulting on **whether to develop new national standards that permit the construction of off-stream water storage**. These could be progressed under the RMA or the new resource management system.

Off-stream water storage (such as storage ponds on farms) is likely to have a minor environmental impact, compared with damming waterways for in-stream water storage. The new standards would manage effects and permit off-stream water storage.

Appendix 2 provides draft standards that identify the range of matters that might be subject to standards for off-stream water storage. These standards have been prepared in discussion with regional council staff and primary sector industry experts. They are based on regional rules and focus on environmental effects to avoid duplication of Building Act 2004 requirements. They are not intended to propose specific wording for the standards. Rather, the draft standards are a starting point for discussion and feedback on the matters (both qualitative and quantitative) that these standards could address.

Freshwater allocation is outside the scope of this discussion document. Although water take and use, and the duration of associated consents, are relevant to building water storage and security of supply, these issues will be addressed as part of upcoming replacement legislation for the RMA.

For further information on this topic, refer to the impact analysis document entitled *Interim Regulatory Impact Statement: Water security and water storage*.

Questions	
17.	Should rules for water security and water storage be set nationally or regionally?
18.	Are there any other options we should consider? What are they, and why should we consider them?
19.	What are your views on the draft standards for off-stream water storage set out in Appendix 2: Draft standards for off-stream water storage? Should other standards be included? Should some standards be excluded?
20.	Should both small-scale and large-scale water storage be enabled through new standards?

Part 2.6: Simplifying the wetlands provisions

The Government has committed to:

- reviewing the definition of 'natural inland wetland' in the NPS-FM to exclude, among other things, artificial wetlands created by burst pipes
- amending the NES-F to make the creation and maintenance of wetlands a permitted activity.

The NPS-FM and NES-F provide national direction and rules about how wetlands should be managed (together referred to as the 'wetland regulations'). The NPS-FM aims to embed long-term change through regional plans, including policies to protect and restore wetlands. The NES-F restricts certain activities in and around wetlands and, in combination with the NPS-FM, provides consenting pathways so these activities can still occur for specific purposes.

There is strong support for protecting wetlands, and support for clearer and simpler wetland regulations, including:

- a clearer and more workable definition of wetlands
- clearer and more appropriate provision for farming activities
- clearer and more appropriate provision for wetland construction
- less-onerous requirements to map natural inland wetlands.

The Government is also consulting on changes to address inconsistencies in quarrying and mining provisions across several national direction instruments (eg, in wetlands and significant natural areas). This is set out in full detail in the Package 2: Primary sector discussion document.

Clearer and more workable definition of wetlands

Feedback has indicated the wetland regulations are restricting activities in and around low-value induced wetlands, and that this is making the maintenance, use and upgrade of infrastructure difficult.

There is also concern that the definition of 'natural inland wetland' in the wetland regulations is too complex, and that its exclusion of wetlands dominated by pasture has led to complex ecological assessments being necessary to determine whether the regulations apply.

We are consulting on:

- **defining induced wetlands** as wetlands that have developed unintentionally as an outcome of human activity for purposes other than creating a wetland or water body, and excluding these from wetland provisions in the NPS-FM and NES-F, except where a council identifies them as regionally significant
- **removing the pasture exclusion from the definition of a 'natural inland wetland'** and instead permitting farming activities that can occur in and around wetlands (see next proposal).

Clearer and more appropriate provision for farming activities

Feedback has indicated that the current provision for farming activities (ie, the pasture exclusion) is not working as intended, and that both farmers and councils want clarity about the status of farming activities such as irrigation, on-farm water storage and fencing.

We are consulting on **creating a new permitted activity standard (and potentially a consenting pathway if needed) for farming activities** that are unlikely to have an adverse effect on a wetland – for example, fencing and irrigation.

We are seeking your feedback on what activities should be permitted in this way, and what conditions, if any, would be added to a consent pathway (and whether this should be a controlled activity or other activity status).

Clearer and more appropriate provision for wetland construction

The Government wants to promote activities that will have good environmental outcomes. Feedback has indicated it is too hard to construct wetlands that can attenuate nutrient losses and provide valuable habitat.

We are consulting on:

- **defining 'wetland construction'** as 'an area that is artificially engineered to mimic the functions of a wetland where one did not previously exist'
- **creating a new permitted activity standard for activities related to wetland construction**, as well as a consenting pathway
- **further encouraging wetland construction and edge-of-field mitigations through a new objective and/or policy** in the NPS-FM.

We are seeking feedback on what conditions would be suitable for a permitted activity standard, and what activity class is appropriate for wetland construction.

Removing mapping requirements

Some councils may struggle to meet the requirements to map all natural inland wetlands by 2030, due to a lack of adequate resourcing and available mapping technology. There is no consistent mapping methodology being used by councils across the country, and any change to definitions (as described above) would also change what needs to be mapped.

We are consulting on **removing the requirement for councils to map natural inland wetlands within 10 years** (currently in clause 3.23 of the NPS-FM).

For further information on this topic, refer to the impact analysis document entitled *Interim Regulatory Impact Statement: Simplifying the wetland provisions in the NPS Freshwater Management and NES Freshwater*.

Questions	
21.	What else is needed to support farmers and others to do things that benefit the environment or improve water quality?
22.	What should a farming activities pathway include? Is a farming activities pathway likely to be more efficient and/or effective at enabling activities in and around wetlands?
23.	What will be the impact of removing the requirement to map wetlands by 2030?
24.	Could the current permitted activity conditions in the NES-F be made clearer or more workable?

Part 2.7: Simplifying the fish passage regulations

The Government has committed to:

- amending the NES-F to simplify culvert rules.

The NPS-FM requires councils to provide for fish passage, and to identify and remediate existing barriers. It is supported by the NES-F, which provides for the construction of in-stream structures as a permitted activity subject to conditions, and requires a resource consent if these conditions cannot be met.

Fish passage rules may require too much information

Councils and land users have said that the amount of information required by the NES-F on the design of in-stream structures is too onerous. There are also concerns it can be difficult to satisfy the permitted activity conditions for constructing and using a culvert.

We are consulting on **whether to simplify fish passage regulations in the NES-F** or retain the current regulations. To simplify the regulations, we would:

- move information requirements[19] for each structure type into a single regulation that applies to all structure types[20]
- remove requirements that do not directly inform how likely a structure is to impede fish passage (eg, the material used in construction[21])
- amend the permitted activity conditions for culverts to reflect updated practice and provide for boxed culverts[22]
- remove some permitted activity conditions for culverts (eg, water velocity)[23]
- consider whether temporary structures (eg, used in temporary works like gravel extraction) need to be treated differently to permanent structures, and whether this would be best achieved via a new permitted activity standard in the NES-F or by allowing councils to be less stringent than the NES-F for this purpose.

For further information on this topic, refer to the impact analysis document entitled *Interim Regulatory Impact Statement: Amending the fish passage regulations in the NES Freshwater*.

---

19 Information requirements are within regulations 63(3), 64(3), 65(3), 66(3) and 67(3) of the NES-F.

20 Regulation 62(3) of the NES-F.

21 For example, requirements in the NES-F for material of structure for culverts (regulation 63(3)(i)), weirs (regulation 64(3)(g)), flap gates (regulation 65(3)(f)) and dams (regulation 66(3)(f)).

22 Reword regulation 70(2)(e) of the NES-F to replace the 25% diameter requirement with 1/3 for circular or 300 mm for boxed culverts.

23 Remove regulation 70(2)(b), (c) and (g) of the NES-F; remove requirement at 70(2)(f) that the substrate is stable (retain requirement that substrate is present).

Questions	
25.	What information requirements are necessary for fish passage? What would the difference in cost be, relative to current information requirements?
26.	How can regulations for temporary and permanent culverts in the NES-F be made simpler?
27.	Temporary culverts are currently treated the same as permanent ones. If temporary culverts were to be treated differently (eg, had fewer conditions), would it be better to do so through a permitted activity pathway in the NES-F (culverts only), or by allowing councils to be less stringent than the permitted activity conditions for culverts and weirs?
28.	Have you encountered similar issues with any other policy or regulation within the NPS-FM or NES-F (eg, rules or gateway tests about river reclamation)?

Part 2.8: Addressing remaining issues with farmer-facing regulations

The Government has committed to:

- removing the regulatory burden for farmers, replace the one-size-fits-all rules with local decision-making, and replace the NES-F (as committed to in the Coalition Agreements and pre-election manifesto policies).[24]

In 2024, the Government cut red tape for farmers by repealing the map of low-slope land in the Resource Management (Stock Exclusion) Regulations 2020 (Stock Exclusion Regulations) and simplifying intensive winter grazing rules.[25] These changes were part of the Government's move to a more risk-based, catchment-focused approach. There is more that can be done.

The Government wants to remove further regulations where the benefits of the rules do not outweigh the costs for the primary sector.

Note that proposed changes to the Stock Exclusion Regulations are set out in the Package 2: Primary sector discussion document.

NES-F rules for synthetic nitrogen fertiliser

Applying synthetic nitrogen fertiliser to farmland increases nitrate levels in the soil. Run-off from this soil can degrade our waterways.

Subpart 4 of Part 2 of the NES-F sets out rules for applying synthetic nitrogen fertiliser. Farmers can apply up to 190 kilograms of nitrogen per hectare per year without a resource consent. If they use more, they must apply for a resource consent. Dairy farmers are also required to provide receipts and information on fertiliser use once per year.

The initial year for reporting on the nitrogen cap (2021–22) had low compliance with reporting requirements and unreliable reported data. In response, several administrative changes were made, and compliance and reliability improved. However, implementing the nitrogen cap has been a work in progress, and concerns about the reliability of reported data remain.

---

[24] The Coalition Agreement between the New Zealand National Party and New Zealand First; National Party manifesto documents, *Getting back to farming* and *Primary sector growth plan*.

[25] Through the Resource Management (Freshwater and Other Matters) Amendment Act 2024.

Farmers and growers have improved their use of nitrogen fertiliser and continue to lift their uptake of good management practice. Publicly available data indicates a reduction in the use of synthetic nitrogen fertiliser in New Zealand in 2020–23.[26]

We are consulting on **three options to improve the NES-F rules for synthetic nitrogen fertiliser**, as set out below.

Repealing the requirement for dairy farms to provide receipts

We are consulting on **whether to repeal the requirement for dairy farms to provide receipts for purchases of synthetic nitrogen fertiliser**.

This change would address concerns that the requirement to produce receipts is unnecessary because councils do not use the information provided. The receipts do not give an accurate measure of fertiliser applied, and the requirement is particularly onerous for farmers who are not affiliated with large fertiliser companies.

Aligning the reporting date for dairy farms with the farming calendar

We are also consulting on **whether to align the reporting date in the NES-F with the farming calendar**.

This change would address concerns that it is inefficient to require dairy farmers to report on their fertiliser use at a different time of the year from when they report on other matters.

Repealing the 190 kilogram per hectare nitrogen limit

We are consulting on **whether to repeal the requirement for farmers to use less than 190 kilograms of nitrogen per hectare per year on the grazed area of their farms**.

The introduction of the nitrogen cap in the current NES-F helped to increase awareness of nitrogen use, and it improved practice. We are seeking feedback on whether the cap is still necessary, given farmers and growers have improved their use of nitrogen fertiliser and continue to lift their uptake of good management practice. The rule is also an input control that may not actually control or reflect environmental risk/damage. Well-managed fertiliser, applied at higher rates than the regulations specify, can have limited environmental impact, while poorly managed fertiliser can have a negative impact, even if applied at lower rates.

For further information on this topic, refer to the impact analysis document entitled *Interim Regulatory Impact Statement: Options to amend regulations for farming activities*.

---

[26] Fertiliser data includes: New Zealand Emissions Trading Scheme reporting on nitrogen imported or manufactured in synthetic fertilisers (which shows a decrease of about 80,000 tonnes between 2020 and 2021); sales data reported by the Fertiliser Association (which shows a 12 per cent drop in fertiliser sales between 2020 and 2022); data collected by Stats NZ as part of the Agricultural Production Survey and Census (which shows a decrease in fertiliser application of approximately 10 per cent between 2020 and 2022).

Questions	
29.	To what extent will it be more efficient to require dairy farmers to report on fertiliser use at the same time of year they report on other matters?
30.	Has the requirement for dairy farms to report their use of fertiliser already served its purpose, in terms of having signalled a level of unacceptable use that should be avoided – no more than 190 kilograms per hectare per year – and if so, is this requirement still necessary?

Part 2.9: Including mapping requirements for drinking water sources

The 2017 Havelock North Drinking Water Inquiry[27] recommended changes to improve the protection for drinking water sources, including mapping source protection zones to:[28]

> … remove the need for individual, and costly, analysis by consent applicants and consent authorities as to whether the [NES-DW regulations] apply to a particular activity. Instead, their application would be objective and direct.

The spatial mapping of land areas posing a risk to drinking water supplies would be a one-off, low-cost improvement in the management of drinking water. It would provide certainty to resource users and consenting authorities about which land areas had the potential to contribute contaminants to a drinking water supply, and help regional councils meet their obligations to protect drinking water sources.

We are consulting on **whether to introduce a new requirement in the NPS-FM for source water risk management areas (SWRMAs) to be mapped**.

This would require regional councils to:

- map SWRMAs for relevant drinking water sources in their regions according to the following criteria:
  - SWRMA 1 – the zone directly surrounding the source water intake, where there is an immediate risk of contamination
  - SWRMA 2 – a microbial risk area, to limit the concentrations of microbial pathogens before abstraction
  - SWRMA 3 – the entire surface water catchment, or groundwater capture zone, to protect against persistent contaminants
- have regard to, or use methods similar to, those described in *Delineating source water risk management areas* when undertaking SWRMA mapping
- complete mapping within five years of the start date of the requirement, and prioritise the order of mapping by risk (ie, mapping the largest and most under-pressure sources first)
- publish SWRMAs in a public inventory alongside other associated information.

We are also seeking feedback on whether the mapping requirements should be incorporated into regional plans, and whether it is appropriate to set a lower population threshold for them, (ie, from a previously proposed 500-person threshold to a 100-person threshold – noting this would not amend the scope of applicable sources under the NES-DW).

---

[27] Department of Internal Affairs | Te Tari Taiwhenua. Government Inquiry into Havelock North Drinking Water. Retrieved 5 May 2025.

[28] Department of Internal Affairs | Te Tari Taiwhenua. 2017. *Report of the Havelock North Drinking Water Inquiry: Stage 2*. Auckland: Department of Internal Affairs. para [646].

This requirement is proposed for inclusion in the NPS-FM rather than the NES-DW, because section 45A of the RMA allows a national policy statement to state methods or requirements that local authorities must apply, including the use of models and formulas.

For further information on this topic, refer to the impact analysis document entitled *Interim Regulatory Impact Statement: Amending human drinking water source protection policies*.

Questions	
31.	Do you think that requiring regional councils to map SWRMAs for applicable drinking water supplies in their regions will improve drinking water safety? Should councils be required to publish SWRMAs?
32.	Do you think that three zones should be required for each SWRMA, or is one zone sufficient?
33.	What do you think the population threshold should be to require regional councils to map SWRMAs (eg, 100-person, 500-person, or some other threshold)?

Section 3: Implementation of freshwater proposals

The proposals in this document will, among other things, lead to amendments to the NPS-FM. Although regional councils will need to give effect to the amended NPS-FM, this will not require immediate changes to plans. The Government has already paused regional councils' ability to notify freshwater planning instruments[29] while it is working through changes to national direction and a significant reform programme to replace the RMA. The current requirement is that regional councils are required to publicly notify plan changes to give effect to the NPS-FM by the end of December 2027.[30]

Consent authorities will need to have regard to any changes to the NPS-FM that influence consenting when they consider an application for a resource consent under section 104 of the RMA.[31]

Any changes to the NES-F will have immediate effect.

Freshwater farm plans are a key part of the freshwater management framework

Freshwater farm plans (FW-FPs) provide a practical way for farmers and growers to identify, manage and reduce the impact of farming on the environment. Part 9A of the RMA established the use of FW-FPs as a regulatory tool that supports farmers and growers to identify, manage and reduce on-farm risks to freshwater in a way that is tailored to their individual conditions, operating system and catchment needs.

FW-FPs are intended to work in combination with the wider freshwater management system. Over time they will likely become the key tool for farmers and growers to manage their freshwater requirements.

Officials from the Ministry for the Environment and the Ministry for Primary Industries are currently reviewing the FW-FP system and developing options to make it simpler and more cost effective. They will aim to integrate decisions made on FW-FPs with decisions made for the wider freshwater management system, as well as the work underway to replace the RMA.

It is intended that improvements to the FW-FP system will be finalised by the end of 2025.

---

29 Through amendments to section 80A of the RMA by the Resource Management (Freshwater and Other Matters) Amendment Act 2024.

30 Section 80A(4)(b) of the RMA.

31 Through insertion of section 104(2F) of the RMA by the Resource Management (Freshwater and Other Matters) Amendment Act 2024.

Treaty considerations

Freshwater management is an issue of significance to tangata whenua, and all of the options in this document intersect with Māori freshwater rights and interests in some way. Initial analysis of the potential impacts of these options on Māori rights and interests and Treaty settlements is set out in the Treaty Impact Analysis. Note this is an interim pre-public consultation analysis of the options (informed by early engagement with Treaty partners), which will continue to be developed post-consultation to inform final decisions.

We are seeking feedback on the potential impacts on Māori rights and interests and Treaty settlements, and on other arrangements identified in the Treaty Impact Analysis. We also seek feedback on any additional perceived impacts of the proposals on sites of significance to Māori, marae, Māori land, land returned under Treaty settlements, or other matters of significance to Māori groups.

Section 4: Have your say

This consultation opens on 29 May 2025 and closes at 11.59 pm 27 July 2025.

The Government welcomes your feedback on this discussion document. The questions posed are a guide only and all comments are welcome. You do not have to answer any or all of the questions.

To ensure your point of view is clearly understood, you should explain your rationale and provide supporting evidence, where appropriate.

You can provide a submission through Citizen Space, our consultation hub, by either filling out the feedback form or by uploading your own written submission.

We would prefer you use the online system for making your submission. However, if you need to, mail your written submission to:

National direction consultation, Ministry for the Environment, PO Box 10362, Wellington 6143.

Please include your:

- name or name of the organisation you represent
- postal address
- telephone number
- email address.

If you have any questions, please email freshwaterND@mfe.govt.nz.

Publishing and releasing submissions

All or part of any written comments (including names of submitters), may be published on the Ministry for the Environment's website, environment.govt.nz. Unless you clearly specify otherwise in your submission, the Ministry will consider that you have consented to online posting of both your submission and your name.

Contents of submissions may be released to the public under the Official Information Act 1982 following requests to the Ministry for the Environment (including via email). Please advise if you have any objection to the release of any information contained in a submission and, in particular, which part(s) you consider should be withheld, together with the reason(s) for withholding the information. We will take into account all such objections when responding to requests for copies of, and information on, submissions to this document under the Official Information Act.

The Privacy Act 2020 applies certain principles about the collection, use and disclosure of information about individuals by various agencies, including by the Ministry for the Environment. It governs access by individuals to information about themselves held by agencies.

Any personal information you supply to the Ministry in the course of making a submission will be used by the Ministry only in relation to the matters covered by this document.

Please clearly indicate in your submission if you do not wish your name to be included in any summary of submissions that the Ministry may publish.

Section 5: Appendices

Appendix 1: Summary of freshwater proposals and implementation

Table 4: Summary of freshwater proposals and implementation

Freshwater proposal	Takes effect through
Rebalancing Te Mana o te Wai, and providing greater clarity about its meaning and how it operates	Given effect by developing regional plan content and implementing the NOF process steps with communities. The Resource Management (Freshwater and Other Matters) Amendment Act 2024 prevents decision-makers from considering the Te Mana o te Wai hierarchy on individual consents. Te Mana o te Wai would not be considered in consenting decisions until the plan rules, which reflect Te Mana o te Wai, are notified.
Improving flexibility in the National Objectives Framework (NOF) process in the National Policy Statement for Freshwater Management (NPS-FM)	Given effect by developing regional plan content with communities. Once plans are notified, the NOF is given effect through a mixture of rules that drive land-use and consenting decisions, and action plans setting out non-regulatory catchment approach. Achieving targets (environmental limits) happens over time.
Enabling commercial vegetable growing	If **progressing NPS-FM objectives and policies**, given effect by developing regional plan content with communities. If **permitting** commercial vegetable growing, takes immediate effect and does not require consent.
Enabling water storage	If progressing **NPS-FM objectives and policies**, given effect by developing regional plan content with communities. If **permitting** water storage, takes immediate effect and does not require consent.
Simplifying wetland and fish passage policies and regulations	All wetland provisions take immediate effect on gazettal of the NPS-FM and/or National Environmental Standards for Freshwater. This is because the relevant polices in the NPS-FM are inserted directly into regional plans without going through a Schedule 1 planning process (under section 55 of the RMA).
Amending farmer-facing regulations	Takes immediate effect on gazettal and does not require consent.
Introduce drinking water mapping requirements in the NPS-FM	Takes effect on gazettal of the NPS-FM. Note there will be a five-year window to complete mapping, which will influence consenting decisions under the existing National Environmental Standards for Sources of Human Drinking Water.

Appendix 2: Draft standards for off-stream water storage

Background of these draft standards

Making it quicker and easier to build off-stream water storage through national standards is one proposed change within the wider proposals for national direction freshwater changes. Clear and effective standards could simplify the resource management process, provide national consistency and reduce duplication.

These draft standards identify the range of matters that might be subject to standards for off-stream water storage. They are not intended to propose specific wording for the standards. Rather, the draft standards are a starting point for discussion and feedback on the matters (both qualitative and quantitative) that these standards could address.

Scope of the draft standards

What is off-stream water storage?

- Off-stream water storage covers any water storage that is built on land with no part of it located in, on, under or over the bed of a lake or river, or within a wetland. The water is supplied into the storage through an artificial pump or is gravity-fed. Off-stream storage may encompass paddock ponds, on-farm dams and others.

Why off-stream water storage?

- Off-stream water storage is better suited to permitted activity standards than in-stream water storage, because it has fewer environmental risks/effects.

In scope (the focus of the draft standards)	**Out of scope** (what the standards won't cover)
Activities related to off-stream water storage, namely: • earthworks • vegetation clearance • damming and diversion • construction, use/operation, maintenance of dam/storage structure • taking of water (from the water storage structure only) (Note that these activities relate to both regional council and district council functions.)	Activities and matters related to in-stream water storage Activities and matters outside the physical boundaries of the off-stream water storage (eg, the water supply pipelines) Activities and matters related to discharge consents (these are only applicable to in-stream water storage) Water takes (including the taking of water to fill the water storage structure) Water allocation Matters covered by other legislation (eg, Building Act 2004, Building (Dam Safety) Regulations 2022)

Draft standards for off-stream water storage

Note: some of the draft standards have [X m] written into the wording. This indicates that a quantitative value (eg, 5 m) is suggested for inclusion as part of the standard. We welcome any feedback on what this quantitative value should be.

Site selection

Standard 1:	The water storage structure is not located in a critical source area[32], swale or wetland.
Standard 2:	The water storage structure (and associated activities) is not located on land that is contaminated or potentially contaminated.
Standard 3:	The water storage structure (and associated activities) must not destroy, damage, modify or be located within [X m] of an archaeological site that is protected (including through a statutory acknowledgement[33]) because of the site's historic heritage (including, to avoid doubt, because of its significance to Māori).

Site interactions with wider setting

Standard 4:	The base of the water storage structure and maximum depth of excavation has a vertical separation distance at least [X m] above the highest expected water table.
Standard 5:	The water storage structure has an impermeable layer that prevents transfer of water.
Standard 6:	The water storage structure is located at least [X m] from property boundaries and any structure or dwelling that is owned by someone other than the off-stream water storage owner, and that exists at the time the off-stream water storage was commissioned.

Onsite activities during and after construction

Standard 7:	The water to be taken and used from the water storage structure is authorised by: • a permitted activity rule in a relevant regional plan, or • a resource consent. Where the water user is not the owner of the water storage, the water user has written permission from the owner to take the water.
Standard 8:	Earthworks for the establishment of off-stream water storage structures must not be undertaken within [X m] of a natural water body (including coastal water and the coastal marine area), and control measures must be in place to prevent sediment entering waterways.
Standard 9:	Clearance of vegetation that was established for flood and erosion control measures or that is ecologically significant vegetation (as specified in a relevant plan) is not permitted.
Standard 10:	Vegetation clearance must not be undertaken within [X m] of any natural water body (including coastal water and the coastal marine area).

[32] Under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, critical source area means a landscape feature such as a gully, swale, or depression that:

(a) accumulates runoff from adjacent land; and

(b) delivers, or has the potential to deliver, 1 or more contaminants to 1 or more rivers, lakes, wetlands, or drains, or their beds (regardless of whether there is any water in them at the time).

[33] A statutory acknowledgement is an acknowledgement by the Crown that recognises the mana of a tangata whenua group in relation to specified areas. See The Quality Planning Resource. Statutory Acknowledgements. Retrieved 5 May 2025.

Notification

Standard 11:	No less than two weeks prior to the construction of the water storage structure, the owner of the storage structure must notify the regional council with: • their contact details • the location of the water storage structure • confirmation that they have checked and meet the permitted activity conditions in this standard.

Rationale for the draft standards for off-stream water storage

*Site selection – addressing potential surface water hydrological effects (**Standard 1**)*

- Reduce or eliminate the potential for water storage structures to impede the proper functioning of critical source areas, swales and concentrated or overland flow pathways (eg, flood water).
- Reduce or eliminate potential consequent ecological effects through affecting water levels in wetlands.

*Land contamination – addressing potential groundwater quality effects (**Standard 2**)*

- Reduce or eliminate the potential for the transfer of contaminants into groundwater. This could potentially result in reduced groundwater quality (eg, heavy metals entering groundwater).

*Archaeological sites and historic heritage – addressing potential effects on historic heritage and mana whenua values associated with the land (**Standard 3**)*

- This standard could include a requirement that if any activities disturb an archaeological site, an accidental discovery protocol should be applied. This would include protocols and procedures to avoid damage to such sites.
- This standard takes into account:
  - effects upon any wāhi tapu or other taonga in the area
  - the relationship of tangata whenua and their culture and traditions with the area and any wāhi tapu or other taonga affected by the activity
  - the ability of tangata whenua to exercise their kaitiaki role in respect of any wāhi tapu or other taonga affected by the activity.

*Vertical separation distance and impermeable layer – addressing potential groundwater quantity and quality effects (**Standards 4 and 5**)*

- Reduce the potential of:
  - unintended recharge of groundwater via leakage from storage. Such recharge could raise the water table closer to the surface, resulting in wet patches in the vicinity and downstream of the storage. This could exacerbate flood risk to other properties and increase land instability

- groundwater ingress into a water storage structure, or the seepage of water from the surrounding ground into the structure
- unintentional transfer and mixing of water between storage and the groundwater system. As a result, this reduces unintended water quality outcomes where groundwater and stored water are of significantly differing qualities
- structural failures of the storage resulting from leakages/seepages.

- The risk of adverse effects on groundwater quantity and quality is greater if the water storage is established above an aquifer and if the water storage does not have an impermeable layer.

*Take and use of water from the water storage structure – administrative standard (**Standard 7**)*

- This is an administrative standard to assist the council with its compliance, monitoring and enforcement responsibilities regarding the take and use of water.
- This standard authorises the 're-take' of water from the storage structure, especially as not all regional council plans may have a permitted activity rule allowing this.
- Some regional plans permit the take and use of water from off-stream storage with limited conditions, mainly to ensure that the take of water is not for non-owners of the water storage (ie, where a land-holding owner or occupier is different to the owner or manager of the water storage, the land-holding owner or occupier must have a written agreement with the owner or manager to take water from the water storage structure).

*Earthworks – addressing potential surface water quality effects (**Standard 8**)*

- This relates to the sediment associated with earthworks entering natural water bodies if earthworks are located too close to riparian margins (eg, sediment entering water bodies via overland flow during high rainfall events). This standard would reduce the likelihood of sediment entering natural water bodies and coastal waters, therefore reducing the potential ecological effects caused by sedimentation.

*Vegetation clearance addressing potential surface water quality effects and potential ecological/biodiversity effects (**Standards 9 and 10**)*

- This relates to the sediment associated with vegetation clearance entering natural water bodies if vegetation clearance is located too close to riparian margins or where vegetation clearance impedes existing flood and erosion control measures (eg, increased erosion, sediment entering water bodies via overland flow during high rainfall events). These standards would reduce the likelihood of sediment entering natural water bodies, coastal waters, therefore reducing the potential ecological effects caused by sedimentation.
- This relates to the loss of ecologically significant vegetation through vegetation clearance. **Standard 10** would prevent the loss of ecologically significant vegetation.

*Notification of the activity – administrative standard (**Standard 11**)*

- This is an administrative and notification requirement for owners of water storage structures to assist the council with its compliance, monitoring and enforcement responsibilities.

- By specifying a time limit for the water storage owner to notify the council, this provides an opportunity for councils to assess any risks with the proposed water storage structure.