

# Update on the Natural Resources Plan

## Wellington region | June 2022

**This a HortNZ summary/update on the 'Proposed Natural Resources Plan' - following resolution of appeals on the Plan.**

Appeals on the 'Proposed Natural Resources Plan have now been resolved - you can read the Plan here: <https://www.gw.govt.nz/your-region/plans-policies-and-bylaws/plans-and-reports/environmental-plans/proposed-natural-resources-plan/>

## What does the NRP manage?

Below is an overview of the key activities relevant to horticulture that are managed by the regional plan:

<p><b>Air quality rules:</b></p>	<ul style="list-style-type: none"> <li>- <b>Outdoor burning</b> is permitted, except for some toxic substances (refer to the definition of specified material in the plan)</li> <li>- <b>Frost protection discharges</b>, the discharge must be from a chimney.</li> <li>- <b>Agrichemical spraying</b>, key requirements:             <ul style="list-style-type: none"> <li>o spraying in or adjacent to a sensitive area requires a spray plan and all persons likely to be affected by the discharge of agrichemicals are notified</li> <li>o aerial applicators must keep GPS records</li> <li>o signage is required for spraying in public places (e.g. roadsides)</li> <li>o there are specific conditions applicable to any discharge to water</li> <li>o agrichemicals should not be discharged onto a roof used for rain water collection</li> </ul> </li> </ul> <p>NB: There is a general requirement for activities to not result in noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the property.</p> <p><b>Key changes or additions from the resolution of appeals:</b></p> <ul style="list-style-type: none"> <li>• There have been amendments to the general conditions to add more clarity to requirements for discharges upstream of waterbodies used for drinking water supply.</li> <li>• New requirements to have qualifications (e.g. GROWSAFE) as set out in NZS8409 (for motorised or aerial applications).</li> <li>• Requirement to notify the relevant iwi authority when discharge is into or onto water (for motorised or aerial applications).</li> </ul>
<p><b>Discharges to land and water:</b></p>	<ul style="list-style-type: none"> <li>- <b>Fertiliser application</b>, key requirements:             <ul style="list-style-type: none"> <li>o ground-based application should not be direct to a surface water body</li> <li>o aerial application should not be directly onto or into surface water body more than 2m wide</li> <li>o in accordance with Fertiliser Quality Control Council's Code of Practice for the Placement of Fertiliser in New Zealand 2018</li> </ul> </li> <li>- There are also rules relating to <b>water races, domestic wastewater systems, discharges to water and discharge of compost or solid animal waste.</b></li> </ul> <p><b>Key changes or additions from the resolution of appeals:</b></p> <p>Through the appeal process, new rules (summarised below this table) were introduced for some diffuse discharges from rural land uses.</p>

<p><b>Land use rules:</b></p>	<ul style="list-style-type: none"> <li>- <b>Cultivation</b>, key requirements: <ul style="list-style-type: none"> <li>o Requirement for vegetated setbacks of 5m (for land with a slope of more than 3 degrees) or 3m (on land on less than 3 degrees)</li> <li>o Requirements around the quality of water entering water (i.e no change in visual clarity)</li> </ul> </li> </ul> <p><b>Key changes or additions from the resolution of appeals:</b></p> <ul style="list-style-type: none"> <li>• Requirement for sediment controls/measures are required where there is a flow path that connects to a surface water body.</li> <li>• Reflection in the rule of the requirements which have come in via the NESFW for cultivation within 10m of a natural wetland.</li> </ul> <p>Refer to PNRP for rules for <b>earthworks and vegetation clearance</b> (which are not cultivation) - area thresholds apply.</p>
<p><b>Wetlands and beds of lakes and rivers:</b></p>	<p>The plan includes rules and requirements around:</p> <ul style="list-style-type: none"> <li>- Activities in <b>wetlands</b> <ul style="list-style-type: none"> <li>o Note: Natural wetlands (are defined in the plan) and do not include areas established for e.g. water storage ponds, drainage</li> </ul> </li> <li>- Activities/structures (<b>culverts, river crossing strictures, dams</b>) in water bodies</li> <li>- Maintenance of <b>drains</b></li> <li>- <b>Removing vegetation</b> from drains or surface water bodies</li> <li>- <b>Dams and diversion</b> of water</li> </ul> <p>General conditions also apply, including conditions relating to refuelling around machinery or equipment around waterbodies, fish passage, taking steps in minimising disturbance and effects. Sites that have specific values identified on the Plan have additional protections (e.g. mana whenua sites, inanga spawning sites).</p> <p><b>Key changes or addition from the resolution of appeals:</b> some amendment to conditions relating to waterways (e.g. drain maintenance) where there is potential for inanga spawning.</p>
<p><b>Water allocation rules:</b></p>	<ul style="list-style-type: none"> <li>- There is a permitted <b>water take</b> based on property size (20m<sup>3</sup> for properties greater than 20 ha, or 10m<sup>3</sup> for properties less than 20ha) - water takes beyond this require consent.</li> <li>- There are rules for <b>transferring water permits</b> (this requires resource consent).</li> <li>- Constructing a <b>bore</b> requires resource consent.</li> </ul> <p><b>Changes or additions from the resolution of appeals:</b></p> <ul style="list-style-type: none"> <li>• <i>Water storage:</i> re-introduction of a policy to promote the development of water harvesting.</li> <li>• <i>Supplementary allocation:</i> inclusion of a three band systems to determine when supplementary takes can commence/stop, unless a graduated abstraction system is used (to achieve the required 50% or 10% flow share).</li> <li>• <i>Core allocation definition:</i> from 2029 (or a different date set through the Whaitua plan changes) core allocation will be the allocation amounts in the tables of the plan. Before then, the catchment total 'core allocation' is the greater of the total amount allocated by consents, or the allocation amounts in the tables of the plan</li> </ul>

	<ul style="list-style-type: none"> <li>• <i>Rootstock survival water:</i> Existing rootstock survival water (authorised by a resource consent, allows take below minimum flow) can be replaced; this provision was retained.</li> <li>• <i>Category A groundwater is signalled to come under greater restrictions at low flows:</i> there is a new requirement for replacement consents, requiring a reduction in take of 50% when the connected waterbody reaches its minimum flow. From 2029 (or date set through the Whaitua plan changes) full cease takes will apply, akin to surface water takes.</li> <li>• <i>Category B groundwater replacement consents:</i> might be subject to some take restrictions when minimum flow is reached if there is connection to surface water flows.</li> <li>• A new policy setting out the need for gradual reduction in take volumes when a waterbody is approaching minimum flow or minimum water levels.</li> <li>• <i>Water transfer:</i> an addition to the water transfer policy means that if a catchment is 'over-allocated' a portion of water needs to be surrendered at the time of transfer (i.e a sinking lid approach) unless alternative provisions are introduced through Whaitua plan changes.</li> </ul>
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## New rules for managing diffuse discharges

Through the appeals process, a new framework has been introduced to manage diffuse discharges from rural land uses, specifically:

- 1. Rural land uses irrigated with new water**
- 2. Requirements for farm environment plans in priority catchments.**

The intent of this framework is to avoid an increase in adverse effects of rural land use activities and associated diffuse discharges of contaminants.

The duration of any resource consent for rural land use and associated discharge of contaminants into water or into or\_onto land where contaminants may enter water within priority catchments shall not extend beyond.

This is because the NPSFM 2020 requires Councils to go through a value settings, environmental outcomes and limit setting process, GWRC are planning to implement the NPSFM through their [Whaitua](#) plan changes (which must be notified by the end of 2024).

The rules include different area threshold depending on the type of horticulture, separating out 'low intensity horticultural use' (from a water quality effects perspective) identified as the following:

**'Low intensity horticultural land use'** includes the following crops: *apples, olives, grapes, avocados, nuts and summer stone fruit, summer berries (excluding strawberries)*. These are crops which were determined 'low intensity' from a water quality/discharges perspective based on available information.

All other horticultural crops - including commercial vegetable production - come under the **horticultural land use** thresholds. There is also a definition of **commercial vegetable production**, which recognises crop rotation.

## Summary of new rules for rural land use irrigated with 'new water':

### EXISTING LAND USES:

#### Use of rural land irrigated with new water:

- Low intensity horticultural use, arable, pastoral land use < **20ha**
- Other horticultural land use < **5ha**

These are not subject to the 'Use of rural land irrigated with new water' rules. Permitted activity rule - Rule R94 (Minor discharges) applies.

*Note: if located in a 'priority catchment' Farm Environment Plan requires apply - summarised separately below.*

#### Use of rural land irrigated that is:

- Low intensity horticultural use, arable, pastoral ≥ **20ha**
- Other horticultural land use ≥ **5ha**

Requires a resource consent from GWRC, which will be assessed,

As a **Controlled Activity (R94A)** if (summarised conditions):

- The annual contaminant loss risk is not increased, compared to the losses in the period preceding 2 September 2020 (and that this is certified by a farm environment plan certifier).
- If the land use is commercial vegetation production, the land must have been in vegetables sometime in the five years prior to 2 September 2020 to come under this rule (otherwise comes under R94B below).
- Dairy land uses cannot increase under this rule (and are subject to the NESFW 2020 rules).

A 'Controlled Activity' means the Council must grant consent if the conditions of the rule are met.

As a **Discretionary Activity (R94B)** if:

- If the Controlled Activity rule is not met - this rule applies, which requires a more detailed assessment.

Policy P65D describes that there should be no increased in contaminant losses. Policy P65E describes how risk of contaminant loss will be assessed.

A farm environment plan is required as part of the consent application.

### What is 'new water' in the context of these rules?

*Water that is authorised to be taken and used for the irrigation of land by a resource consent granted:*

- a. after 2 September 2020 that is not a replacement of an existing resource consent, or
- b. before 2 September 2020 but which was not given effect to until after 2 September 2020.

## Summary of new Farm Environment Plan requirements in priority catchments:

### Rural land use in a priority catchment?

Waitawa, Parkvale, Otukura, Maungatarere, Waipoua, Kōpuaranga, Makakaha, Taueru

→ **No** No additional requirements, (unless the new rules relating to new irrigation water apply).



### Yes

Low intensity horticultural use < **20ha**

Other horticultural land use < **5ha**

→ No additional requirements.

Low intensity horticultural use ≥ **20ha**

Other horticultural land use ≥ **5ha**

### Farm Environment Plan required by:

- In Waitawa and Parkvale catchments - **30 June 2023**.
- In Otukura, Mangatarere, Waipoua catchments - **31 March 2024**
- In Kōpuaranga, Makakaha and Taueru catchments - **31 December 2024**

*Note: These are permitted activity dates - beyond these dates (without a farm environment plan that meets the rule requirements), a resource consent is required.*

*Note: The same 20-hectare threshold below that applies to low intensity horticultural land use, also applies to arable or pastoral land uses.*

## What are the requirements of a 'Farm Environment Plan'?

A 'Farm Environment Plan' in the context of the new rules can be either:

- A Farm Environment Plan that meets the Schedule AA requirements (which included content and risk assessment requirements); or
- A Freshwater Farm Plan that meets the requirements of Part 9A of the RMA and associated regulations.

## WHERE TO GO FOR MORE INFORMATION

- Greater Wellington Regional Council's website or email at [info@gw.govt.nz](mailto:info@gw.govt.nz)

*Note: This is provided as a summary only - always refer directly to the rules to understand the requirements of your specific activity.*