

Freshwater update following Government decisions

9 June 2020

The Government has announced its decisions around freshwater management. In summary, HortNZ welcomes the pragmatic approach that the Government has decided to take to achieving the freshwater quality improvements we all want. What follows is a summary of the Government's decisions.

The **National Policy Statement for Freshwater Management (NPSFM)** will direct regional councils on freshwater management and discharges.

The **National Environmental Standard for Freshwater Management (NESFM)** will be equivalent to the rules in a regional plan. These rules will have effect when the rules in the relevant regional plan are less strict.

The final versions of the NPSFM and NESFM are expected to be approved in July.

Amendments to the **Resource Management Act** are being made to introduce fast track planning processes for freshwater plans. A Supplementary Order Paper is being introduced at the same time to make Farm Environment Plans enforceable.

Farm Environment Plans

The proposal recommends compulsory Farm Environment Plans for all horticultural operations larger than 5 hectares.

HortNZ supported the Farm Environment Plan approach because it enables the implementation of farm specific, risk-based actions rather than requiring standard actions that may not be the most effective.

We have also promoted Good Agricultural Practice (GAP) processes as a way of delivering risk based, independently audited Farm Environment Plans.

Government will work with primary sector representatives to develop the specific requirements. There will be a targeted roll-out of Farm Environment Plans.

National Policy Statement for Freshwater Management (NPSFM)

The NPSFM will require regional councils to notify plans by 31 December 2024, and decisions by 31 December 2026 or 31 December 2027 at the latest.

NPSFM – limit setting process

Freshwater values will be established, that set flow, water levels and chemistry outcomes to achieve values that must, at a minimum, meet bottom lines.

Catchment limits will be calculated to achieve desired outcomes in terms of the cumulative volume of water that can be abstracted or contaminants that can be discharged.

While we sought a food production value, we believe that the value of vegetables for domestic food supply is recognised in the proposal.

Proposed exemption to water quality bottom lines for Pukekohe and Levin

This proposal is to prevent regional policies that would drive land use change away from vegetable growing. It recognises the importance of these areas for domestic food supply as well as the areas' localised water quality effects. Growers will still need to improve water quality in these catchments.

Stricter bottom line for Nitrate

The announcements include a tougher national bottom line for the attribute Nitrate Toxicity to protect 95% of species from toxic effects (up from 80%). This will be a challenge for Canterbury, where many rivers have water quality that doesn't meet the 95% bottom line.

Intensification/land use change

Restrictions on new irrigation of areas larger than 10 hectares do not apply to horticulture. This is because there is no water quality reason for including low impact horticulture within this rule.

Similarly, land use change restrictions do not apply to horticulture.

The draft proposals included provisions that would have impacted on the rotation of vegetable crops, these are no longer included. The Government's decision recognises that rotation poses a low risk to water quality, and presents an opportunity for land use diversification.

The upper limit for nitrogen fertiliser use will be included in the NESFM does not apply to horticulture and arable. A single cap was unworkable given the range of crops and their differing nutrient demands.

At risk catchments

The draft NESFM included a list of catchments identified as priorities for Farm Environment Plans.

The latest proposal discusses prioritising the use of Farm Environment Plans in catchments with the highest nitrate concentrations. It is unclear if these catchments will be named in the NESFM, or whether the NESFM will direct regional councils to prioritise through regional plans.

Wetlands and streams

Consents will be required for reclamations and diversions that lead to the loss of rivers. Consents will also be required for activities such as vegetation clearance, earthworks and changes to water levels that lead to the loss of natural wetlands.

It will be possible to obtain a consent for stream reclamation if significant effects are avoided loss and degradation is minimised, and unavoidable losses are offset.

The draft NESFM rules permit the construction of weirs and culverts provided they meet design requirements related to the structure's ability to provide for fish passage.

Water metering regulations

Real-time (electronic) measurement and recording will be phased in, based on the amount of water a consent holder takes. These will be implemented two years after the regulations come into force for consents to take >20 litres per second; four years for consents to take 10-20 litres per second; and six years after for consents to take ≥ 5 litres per second.