

Essential Freshwater Package

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ADDING VALUE TO THE BUSINESS OF CROPPING



Made up of:

- A refreshed National Policy Statement - Freshwater Management (NPS-FM).
- National Environmental Standard for Freshwater (NES-FW).
 - Includes intensive winter grazing rules and N cap.
- Amendments to the Resource Management Act.



National Environmental Standard (NES-FW)



What is a National Environmental Standard (NES-FW)?

- They are effectively ‘national rules’ that will apply to a significant number of farming activities.
- The NES includes standards that specify what consents you need for different activities.
- The standards are deemed to be part of the regional plan. Councils can also have stricter rules.
- They apply as soon as the NES is in force.
- They are not just general guidance for councils.



Nitrogen fertiliser cap (NES-FW)

- 190 kg/N/ha/year (synthetic N fertiliser)
- Only applies to pastoral land use which **does not** include:
 - any arable crop that is grazed post-harvest or
 - any annual forage crop
- Annual forage crop: a crop, other than pasture, that is grazed in the place where it is grown.
- Does not apply to maize grain and silage regardless of whether grown on arable or livestock farms.



Land use change (NES-FW)

3 September 2020

- Changes from a less intensive land use to a more intensive land use will require a resource consent if the area converted is >10ha.
- Will only be consented if can demonstrate that environmental impacts will not increase contaminant discharges or loads at a catchment level.



Intensive winter grazing (NES-FW)

- New definitions for 'intensive winter grazing' and 'annual forage crop' effectively mean intensive winter grazing is any grazing (even sheep) on in situ crop (other than pasture) between 1 May and 30 September in the same year.
- If intensive winter grazing cannot meet all specified permitted activity conditions it will require a consent.



Consenting summary – winter grazing

- Permitted activity scenario 1: meet the permitted activity conditions.
- Permitted activity scenario 2: have a certified farm plan which includes intensive winter grazing.
- Restricted Discretionary consent: not a permitted activity but have grazed area between 2014 to 2019.
- Discretionary consent: consent process if you have NOT grazed area between 2014 to 2019.



Permitted activity - Scenario 1

Have to meet all of the following conditions:

- Area less than or equal to 50ha or 10% of farm, whichever is greater.
- Paddock average slope is less than 10 degrees.
- Pugging at any one point is less than or equal to 20cm (exemptions within 10 m of entrance gate or fixed water trough).
- All pugging (greater than 5cm) is not more than 50% of the paddock (excluding pugging around fixed structures).
- 5m setback from the bed of any river, lake, wetland or drain (even when dry).
- Must be replanted by 1 October of that year.



Permitted activity - Scenario 2

- Certified Freshwater Farm Plan that includes intensive winter grazing.
- Certifier of that plan certifies that **the adverse effects are no greater than those provided for as the permitted activity conditions outlined in scenario 1.**
- Certified farm plans (and certifiers) are some way off; not an answer for this year.....but there is opportunity with this pathway.



Restricted discretionary consent

Has to be same area (or less) of previous 5 years winter grazing.

Council can consider:

- adverse effects on ecosystems, freshwater, and water bodies.
- adverse effects on human contact/health.
- adverse effects on Māori cultural values.
- land erosion, losses of sediment and other contaminants.
- any methods proposed to avoid, remedy, or mitigate the loss of contaminants to water.



Discretionary consent

- Need to show the proposed grazing will not result in an increase in catchment contaminant loads or concentrations compared to 2 September 2020.
- Discretionary consents can only be granted until January 2031 (at latest).
- Can be turned down, high bar and costly.



Concerns

Uncontrollable variables (weather) may mean farmers may have to get consent 'in case'.

BUT

Councils are not wanting to throw the book at farmers and won't be hunting for technical non compliance i.e. if you have done everything in your power but end up with pugging over 20cm due to events out of your control....



National Policy Statement (NPS-FW)



What is a National Policy Statement (NPS-FW)?

- It is a national policy direction that regional councils “must give effect to” through their regional plans.
- Under the NPS for Freshwater Management regional councils must change regional plans to set catchment limits to achieve community catchment outcomes and National Objective Framework bottom lines.
- NPS for Freshwater Management directs councils to “maintain or improve” water quality.
- It is not “just general guidance for councils”.



The National Policy Statement for Freshwater Management 2020

The National Policy Statement for Freshwater Management 2020 (**NPS-FM 2020**) is part of the Essential Freshwater package. It provides national direction which regional councils translate into action on the ground through their regional policy statement and regional plans and city and district councils through their district plans. It replaces the NPS-FM 2017.



RMA

- Environmental Protection Authority now has the statutory power to directly enforce the requirements of the RMA.
 - Irrigation monitoring regulations – electronically submit records to council.
 - Stock exclusion regulations (don't apply to sheep)- 3 m setbacks from lakes and rivers more than one metre wide (bank-to-bank).
- *Beef cattle and deer break feeding or grazing on annual forage crops or irrigated pasture (or dairy cattle and pigs) 1 July 2023.
- *Low-slope map generated-Beef cattle and deer must be excluded by 1 July 2025, on low slope land as mapped.
 - Certified farm plans



Certified Farm Plans

- Certified farm plans will be a requirement for an increasing number of farmers in the future and are currently an alternative to having to seek a consent for some of the new rules such as winter grazing of forage crops.
- Opportunity is that it can be a solid pathway forward to make the right mitigation decisions customised to farm and catchment.
- Ideally this will be industry led – slight modifications required to existing FEPs.
- The certified farm plan pathway does not currently exist.

