

National environmental standards

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FAR

ADDING VALUE TO THE BUSINESS OF CROPPING



National Policies and Work Programmes

- A refreshed National Policy Statement Freshwater Management (NPS-FM).
- National Environmental Standard for Freshwater (NES-FW).
 - Includes intensive winter grazing rules (focus for this evening)
- Amendments to the Resource Management Act
 - Environmental Protection Authority now has the statutory power to directly enforce the requirements of the RMA
- Stock exclusion regulations
- Farm plan regulations
- Irrigation monitoring regulations



What is a National Policy Statement?

- 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”.



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

- In the draft Freshwater NES, the standards 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
- Details still need to be worked through



If you have wetlands, feed pads or stock holding areas on your farm you will need to be aware of how the NES-FW will affect you.



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

- 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 (or the next...or maybe even the next...).



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....

