



Ministry for the  
**Environment**  
Manatū Mo Te Taiao

Ministry for Primary Industries  
Manatū Ahu Matua



ESSENTIAL  
FRESHWATER  
WAI MĀORI  
MĀTUATUA



## Overview factsheet

Essential Freshwater is part of a new national direction to protect and improve our rivers, streams, lakes and wetlands. The Essential Freshwater package aims to:

- stop further degradation of our freshwater
- start making immediate improvements so water quality improves within five years
- reverse past damage to bring our waterways and ecosystems to a healthy state within a generation.

### **Te Mana o te Wai is fundamental to all freshwater management**

Te Mana o te Wai recognises the vital importance of water. It expresses the special connection that New Zealanders have with freshwater. By protecting the health of freshwater we protect the health and well-being of people and our ecosystems. When managing freshwater, Te Mana o te Wai ensures the health and well-being of the water is protected and human needs are provided for before enabling other uses of water. Through discussions with regional councils, tangata whenua, and communities, people will have a say on how Te Mana o te Wai is applied locally in freshwater management. More information can be found in the [Te Mana o te Wai factsheet](#).

## Who should read this factsheet

This factsheet is part of a [series](#) and provides information explaining the Essential Freshwater package. It is intended for anyone with an interest in freshwater policy such as council staff, iwi, land users, the agricultural industry, farm advisors and consultants.

## What is in the Essential Freshwater package?

The package includes a number of new pieces of law including:

- new [National Environmental Standards for Freshwater](#) (NES)
- new [stock exclusion regulations](#)
- amendments to the [Resource Management \(Measurement and Reporting of Water Takes\) Regulations 2010](#)

- the **National Policy Statement for Freshwater Management 2020** (NPS-FM 2020), which replaces the NPS-FM 2017
- **amendments to the RMA** to provide for a faster freshwater planning process
- **amendments to the RMA** to enable mandatory and enforceable freshwater farm plans, and the creation of regulations for reporting nitrogen fertiliser sales.

## Requirements for land users and direction for councils

Essential Freshwater is a comprehensive package which includes requirements for resource users as well as direction for councils to engage with communities and iwi to give effect to Te Mana o te Wai in regional policies and plans. The requirements include:

### High-risk farming activities:

- excluding stock from certain types of waterways
- controlling high-risk feedlots and stockholding areas
- controlling high-risk intensive winter grazing practices
- restricting significant agricultural intensification
- managing excessive nitrogen discharges.

### Direction for councils around regional policies and plans:

- amending planning processes under the RMA so regional freshwater planning instruments can be developed more quickly and consistently around the country
- requiring new or updated regional policy statements and plans which set out how councils will implement the NPS-FM 2020 including by giving effect to Te Mana o te Wai (see below for more details)
- providing stronger national direction in the NPS-FM 2020 through new compulsory values and an expanded National Objectives Framework

### Other provisions:

- enabling development of mandatory and enforceable freshwater modules in farm plans
- moving to real-time measuring and reporting data on water use
- preventing further loss of wetlands and streams
- new standards for providing for fish passage when structures are put in waterways.

## The tools

### National Environmental Standards for Freshwater

The new **National Environmental Standards for Freshwater** (NES) include measures to stop the decline in freshwater quality. The NES sets national rules for the ways particular activities or resource uses are to be carried out to deliver on shorter-term freshwater objectives.

The NES includes measures to:

## **Prevent further loss of natural wetlands and rivers**

Activities such as clearing vegetation, earthworks, and changes in the water levels of wetlands are permitted only where a number of conditions have been followed and the activity is for specified purposes such as wetland restoration, science, works to address natural hazards, or the maintenance of infrastructure. Otherwise, the activities will not be allowed (or will require resource consent). These regulations commence on 3 September 2020. For more detailed information see the [wetlands factsheet](#).

Reclamation of the beds of rivers will require a resource consent. For more detailed information see the [rivers factsheet](#).

## **Preserve connectivity of fish habitat**

Resource consents will be required for certain in-stream structures that can impede fish passage. The placement, use, alteration, extension or reconstruction of passive flap gates will require approval from the regional council. New weirs and culverts are permitted as long as they meet design requirements. If they can't meet these requirements a consent will be needed. These regulations commence on 3 September 2020. For more detailed information see the [fish passage factsheet](#).

## **Introduce new controls on intensive winter grazing**

Resource consents are required where intensive winter grazing of annual forage crops cannot meet specified thresholds such as the area of land involved, the slope of the land, setback from waterways, extent of soil pugging, and replanting requirements. These regulations commence on 1 May 2021. For more detailed information see the [intensive winter grazing factsheet](#).

## **Control feedlots and other stockholding areas**

Resource consents are required for new feedlots, and other stockholding areas for cattle, that do not meet the minimum standards in the NES relating to age and weight of cattle, permeability of the base, effluent disposal and distance from waterbodies. The regulations for feedlots commence on 3 September 2020. The regulations for stockholding areas other than feedlots commence on 1 July 2021. For more detailed information see the [stockholding and feedlots factsheet](#).

## **Restrict agricultural intensification**

Resource consents are required to change any farming land use to dairy farming, or to change from plantation forestry to pastoral farming, as well to expand irrigation on dairy farms (if the change is greater than 10 hectares of land since commencement of the NES). Any expansion of intensive winter grazing or dairy support activities above the landowners' historical use (during the period from 1 July 2014 to 30 June 2019) also requires consent. These regulations commence on 3 September 2020 (except for the winter grazing regulations which commence on 1 May 2021) and will apply until a regional plan to give effect to the NPS-FM 2020 is notified or 1 January 2025, whichever is the sooner.

For more detailed information see the [intensification factsheet](#).

## **Reduce excessive application of synthetic nitrogen fertiliser**

Resource consents are required for pastoral farming that uses more than 190 kg per hectare per year of nitrogen as a component of synthetic nitrogen fertiliser. There are two consenting

pathways for nitrogen use above this amount. Consents are limited to terms of no more than two or five years depending on the consenting pathway. All dairy farms will need to report nitrogen use annually. These regulations commence on 1 July 2021. More details will be provided in an upcoming factsheet.

## Section 360 regulations

### Stock exclusion

Under new stock exclusion regulations, stock must be prevented from grazing within a natural wetland, or within three metres of any lake or river. These regulations apply to beef and dairy cattle, dairy support cattle, deer and pigs, and their specific requirements vary depending on type of stock, location and activity. The regulations do not apply to sheep.

The regulations commence at varying times depending on the type of stock, location and activity. For more information refer to the [timeline](#) on our website. More details will be provided in an upcoming factsheet.

### Water-use reporting

The [Resource Management \(Measurement and Reporting of Water Takes\) Regulations](#) have been amended to require all permit holders who hold consents for taking water (five litres per second or more) to record water use every 15 minutes and supply the data directly to regional councils. These requirements will be phased in according to the consented rate of take:

- takes of 20 litres per second or more will need to comply by 3 September 2022
- 10 litres/s or more but less than 20 litres/s by 3 September 2024
- 5 litres/s or more but less than 10 litres/s by 3 September 2026.

More details will be provided in an upcoming factsheet.

## National Policy Statement for Freshwater Management

The [National Policy Statement for Freshwater Management 2020](#) 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.

The NPS-FM 2020 requires every regional council, in consultation with its community, to develop a plan for maintaining or improving the state of freshwater in the region. There are a number of compulsory values and attributes (measures of the state of a river or lake) that must be met, and communities can choose to go above and beyond these. Regional councils must notify their new or amended plans giving effect to the NPS-FM 2020 by 31 December 2024. The timeframe for action to achieve attribute target states is a long-term process set by councils in consultation with their communities.

## Te Mana o te Wai

Te Mana o te Wai is the fundamental concept that underpins the NPS-FM 2020. Under the NPS-FM 2020 councils must:

- give effect to Te Mana o te Wai
- set a long-term vision (ie, multi-generational) for water informed by the aspirations of tangata whenua and communities
- actively involve tangata whenua in freshwater management (eg, preparation of policy statements and plans)
- investigate options for tangata whenua involvement in other RMA processes in relation to freshwater. For more detailed information see the [Te Mana o te Wai factsheet](#).

## Māori values and mahinga kai

The NPS-FM 2020 includes a new compulsory value for mahinga kai. This requires regional councils to work with and enable tangata whenua to identify measures of freshwater health in their local contexts.

## Ecosystem health

The NPS-FM 2020 requires regional councils to manage and report on all aspects of ecosystem health, including:

- water quality (chemical, physical)
- water quantity (water flows and levels)
- habitat (for plants and animals)
- aquatic life (abundance and diversity of animals, plants, and microbes)
- ecological processes (interactions between them all).

## Threatened species

The NPS-FM 2020 also introduces a new threatened species value, and requires councils to prevent further loss of natural inland wetlands and rivers.

## Fish passage

Councils must also take action to maintain or improve the passage of fish in respect of instream structures.

## Attributes for ecosystem health

The NPS-FM 2020 sets out 22 attributes (indicators) of freshwater health. Through their planning documents, regional councils are required to maintain or improve all of these attributes.

New attributes include sediment, dissolved oxygen, and a higher standard for *E. coli* contamination at popular swimming sites during summer.

Some of the attributes will be managed through setting limits; others through an action plan approach.

For more details please refer to the [information sheet on attributes](#).

## Changes to the RMA – freshwater planning process

A new freshwater planning process has been established through amendments to the RMA. This new plan-making process will help regional councils make final decisions on their plans by 2026.<sup>1</sup> An independent hearings panel will hear submissions and make recommendations to the regional council on all new regional policy statements, plans, or plan changes that relate to freshwater. The council then makes decision on the panel's recommendations, and there are limited rights of appeal.

For more detailed information see the [freshwater planning process factsheet](#).

## Changes to the RMA – farm plans and reporting on fertiliser sales

Over the next 12-plus months, the Government will engage with primary sector representatives, iwi Māori, regional councils, environmental organisations and other interested groups to develop new regulations under the RMA. The new regulations will set out requirements for mandatory and enforceable freshwater farm plans, and timeframes for when these plans are required.

Freshwater farm plans will be developed by farmers with farm planners on a farm-by-farm basis. They will need to be approved by a suitably qualified and experienced person, audited by independent auditors and enforced by regional councils.

Farm plans will be phased in over time with roll-out prioritised in areas where waterways are less healthy (eg, high nitrogen-impacted catchments). Other obligations on farmers (eg, commitments to reduce greenhouse gas emissions under He Waka Eke Noa) will also be taken into account when prioritising roll-out of freshwater farm plans.

Regulations will also be developed that require fertiliser companies to report on sales of fertiliser containing nitrogen.

For more information on these changes see [freshwater farm plans](#) on our website.

## What are the key timelines?

Different parts of the Essential Freshwater package take effect at different times. We have prepared a summary of the [key milestones](#) on our website.

### Factsheets in this series

The full set of Essential Freshwater factsheets is available [on our website](#).

### Find out more and give us feedback

Contact us by emailing [freshwater@mfe.govt.nz](mailto:freshwater@mfe.govt.nz), or visit the [Essential Freshwater page](#).

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<sup>1</sup> Or 2027 if they are granted an extension.

## Disclaimer

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Published in September 2020 by the  
Ministry for the Environment and Ministry for Primary Industries  
Publication number: INFO 969



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**Environment**  
*Manatu Mo Te Taiao*

Ministry for Primary Industries  
Manatū Ahu Matua



New Zealand Government