

Key messages for managing discharges

The National Policy Statement for Freshwater Management

Regional councils are required to implement the National Policy Statement for Freshwater Management 2014 (NPS-FM).¹ The NPS-FM provides direction from central government to regional councils on how to manage fresh water. It requires regional councils² to set freshwater objectives and limits/targets for freshwater quality and quantity in their regional plans.

The NPS-FM requires management of all discharges

Policy A1, amongst other things, requires regional councils to have methods to avoid over-allocation. Methods to avoid over-allocation can apply to both point sources and diffuse discharges.³

Until regional councils have completed a planning process of setting freshwater objectives and limits in their regional plans, Policy A4 requires them to amend their regional plans and to ensure they manage discharges by considering certain matters. The policy explicitly applies to discharges (“including a diffuse discharge by any person or animal”) of any contaminant into fresh water, or onto land in circumstances that may result in the contaminant entering fresh water.

Policy CC1 requires regional councils to establish and operate freshwater quality and quantity accounting systems. This includes point sources and diffuse sources of contaminants. Further information about accounting for both point source and diffuse discharges is available in *A Guide to freshwater accounting* (available on the Ministry’s website).

The RMA and regional plans

Sections 9 and 15 of the RMA address land use and discharges. Section 9 provides, amongst other things, that no person may use land in any manner that contravenes a rule in a regional plan. Regional councils can only regulate land use in order to fulfil their land use functions (including for maintaining or enhancing water quality).

¹ This needs to be done as promptly as is reasonable in the circumstances, and not later than 2025, although this can be extended to 2030 in certain circumstances (see Policy E1).

² Including unitary authorities.

³ *A Guide to the NPS-FM*, p38.

Section 15 provides, amongst other things, that no person may discharge any contaminant into water or onto or into land in circumstances which may result in that contaminant entering water unless the discharge is expressly allowed by a resource consent or a rule in a regional plan.

Where land use results in diffuse discharges by farming livestock, the Ministry considers that regional councils should ensure their regional plans regulate the effects of livestock farming as a land use (under s9 of the RMA), and as a discharge (under s15 of the RMA). Regional councils can adopt (and have adopted) land use rules, discharge rules, or a combination of both to control diffuse discharges to water originating from stock excreta.

Setting enforceable limits for quality and quantity is a key purpose of the NPS-FM. Where water resources are over-allocated (in terms of quality and quantity) regional councils must ensure that over-allocation is reduced over agreed timeframes.

These approaches are necessary to give effect to the NPS-FM requirements to account for and manage all relevant sources of contaminants. Consistent with regional council requirements under section 32 of the RMA, and their functions under section 30 of the RMA, the Government supports councils using the range of tools available to them to manage the impact of land use activities on water quality.

Regional councils have until 2030 to implement the policies of the NPS-FM. Many regional councils are on a faster track, and intend to implement the policies well before 2030. They are doing so in stage through a series of plan changes throughout their region.

The Ministry for the Environment's work

The Ministry is working on a range of actions to improve the implementation of the NPS-FM. These include:

- Guidance and case studies for regional councils on setting limits and accounting for contaminants.
- A programme to audit and report on regional freshwater plans. Reviews will start in 2016 and will look at the progress regional councils are making in implementing the NPS-FM and managing diffuse discharges.
- An independent review of the NPS-FM in 2016. This review could include an investigation of and recommendations on the management of diffuse discharges by regional councils.