



# Implementing Essential Freshwater

New rules to protect and enhance New Zealand's waterways are now in place—and they may affect you. On 5 August, the government gazetted new national direction on freshwater management, signing a suite of regulations into law.

The package includes a new National Policy Statement for Freshwater Management, new National Environmental Standards for Freshwater, new stock exclusion regulations under section 360 of the Resource Management Act, and an amendment to the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010.

ORC has to give effect to the National Policy Statement for Freshwater Management through our regional plans and our Regional Policy Statement. The National Environmental Standards are effectively nationwide rules, which apply across the country regardless of regional plans.

The new regulations have had effect since 3 September, however, while some parts need to be addressed immediately, others have a period of time built in for people to comply.

ORC Chair Andrew Noone said the council welcomed the Essential Freshwater regulatory reform package.

“This package from the government has been a long time in the works, and there is a lot of great intent around restoring and protecting the health of New Zealand waterways.

“The challenge for ORC and the community now will be in how we implement the new requirements to ensure they have the desired environmental benefits. We're looking closely at what's required of us and our

region's farmers, and prioritising the most urgent work,” Cr Noone said.

## Education First

Regulatory General Manager Richard Saunders said that compliance with previous rules in Otago was good, but work was required to get up to speed with the new regulations.

“We saw good results from our annual winter compliance flights in July, with a lot of positive changes clearly visible from the air in how farmers were managing winter grazing and other land use practices. Out of the hundreds of properties we flew over, there were nine that needed following up on the ground.

“But the new National Environmental Standards will tighten the restrictions, especially around winter grazing, in future.”

Richard said ORC was taking an “education-first” approach to helping people implement the changes.

“These rules will impact a lot of Otago farmers, and they impact ORC as the consenting authority. We're keen to work alongside farmers, organisations and catchment groups to help interpret and understand the rules, and to give practical advice for complying with them.

“A lot of people are already on a good trajectory with improving their environmental practices, and we want to make sure that's able to continue under the new rules,” Richard said.

## Rules for Intensive Winter Grazing

Under the new rules, farmers will require a consent for intensive winter grazing activities where the activity does not comply with the permitted activity criteria.

However, if you carried out winter grazing this year, and you're not planning any changes to the scale, scope or intensity of your wintering, then you may have “existing use rights” and not require consent for winter 2021.

Even if you have existing use rights, you may need to apply for a consent under the new rules by 31 October 2021 for the 2022 season. We encourage farmers to engage with ORC early to discuss their individual requirements.

Our advice for farmers is to follow good management practices in the planning and delivery of your 2021 winter grazing. If you are proposing to graze a greater area than in 2020, then you should contact Council to discuss whether a resource consent will be required.

More information about the new rules is available online at [www.orc.govt.nz/newwaterrules](http://www.orc.govt.nz/newwaterrules), or you can call 0800 474 082 or email [customerservices@orc.govt.nz](mailto:customerservices@orc.govt.nz).

# Update on EPA-notified plans

As well as the changes being introduced at a national level, ORC is making some plan changes of our own to protect and restore freshwater in urban and rural environments.

The Environmental Authority (EPA) notified the Water Permits and Water Quality Plan Changes on 6 July, after they were “called in” by the Minister for the Environment.

The “Water Permits Plan Change” is Plan Change 7 to the Water Plan, which provides a planning framework to replace expiring deemed permits and resource consents.

The “Water Quality Plan Changes”, or “Omnibus”, are Plan Change 8 to the

Water Plan and Plan Change 1 to the Waste Plan, which strengthen water quality provisions.

In September, the EPA published a Summary of Submissions and called for further submissions, which is a process where anyone can lodge a further submission, either supporting or opposing someone else’s submission, provided they have a genuine interest.

With further submissions now closed, the plan changes will be referred to the Environment Court in the coming months. Anyone who indicated they wish to attend the Environment Court hearings for any of the plan changes will be contacted about the next steps.

Among the submitters on Plan Change 8 was ORC itself. We submitted on the plan changes to request the removal of

intensive grazing and stock exclusion sections, because our rules largely align with the requirements of the National Environmental Standards for Freshwater. Rather than duplicating the national rules, with slightly different regional complexities, we have asked the Environment Court to consider removing them from our plan change to make things clearer.

Our submission also suggested that the Water Plan includes an advice note directing people to the National Environmental Standards for Freshwater and national regulations for rules related to intensive grazing and stock exclusion.

