



New freshwater rules and winter grazing

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The post-election landscape is unlikely to impact the phased integration of the new rules which have applied since 3 September 2020.

The changes to the National Policy Statement for Freshwater Management (NPS-FM) will be implemented by Regional Councils as they review and, if required, update their regional and catchment plans. Regional Councils will have four years to work with their communities on putting into place the new NPS-FM requirements and another two years to have these operative.

Despite lobbying from farmers, there are still significant challenges to the farming proposition.

Intensive Winter Grazing

Under the new rules, grazing stock on a winter forage crop (1 May to 30 September in any one year) is permitted where the following standards can be achieved.

Hill country farms (land over 10° slope) and farms which are unable to meet the permitted activity standards will need a resource consent by 1 May 2021.

To be permitted, the following standards must be met:

- no more than 50 hectares or more than 10% of the property, whichever is the greatest – ie for a property of 1,000 hectares, the threshold will be 100 hectares, whereas on a property of 300 hectares, the threshold is 50 hectares.
 - the cropped paddock that has a mean slope of 10° or less;
 - the crop is set back by 5 metres or more from waterways;
 - pugging is not deeper than 20cm. Pugging covers no more than 50% of the paddock, regardless of depth;
 - paddocks are re-sown by 1 October, (1 November if in the Otago or Southland regions). All winter cropping needs to be re-sown as soon as practicable.
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- the activity has a certified freshwater farm plan.

The winter grazing rules are the ones with the most urgent impact as farmers are already implementing plans about paddock and crop selection for next Winter.

The rules are stringent. All winter grazing on a mean slope greater than 10° will need a consent, and the area cannot be greater than what has already been under a winter forage crop from 2014–2019.

It is critical that farmers be proactive in working with their communities and Regional Councils over the next 3-5 years to influence these regional plans and ensure that the plans are pragmatic, and that there is a sensible balance between the rules and environmental risk.

It will be essential that fact specific and catchment specific outcomes are brought about, so that effects based approaches to managing land use can primarily come through regional plans. It appears to us that the principle of "subsidiarity" would be a helpful prism from which to view and manage land use change, whereby the local communities that have the competence to deal with tailored approaches can position themselves to target and manage environmental outcomes, rather than having a skewed reliance on national policy.