



with Aaron Milnes
Helmore Stewart, Rangiora

Legally Talking



Significant RMA change on the way

The next two to three years is going to be a time of significant change in the area of resource management and environmental law.

The Resource Management Amendment Bill 2019 has now been introduced, together with a comprehensive review of the resource management system.

Farmers should be aware of significant new national policy guidance under development, including:

- a draft national policy statement on highly productive land; and
- a raft of reforms directed at improving freshwater quality, which includes a revised National Policy Statement on Freshwater Management ("NPS-FM"), a new National Environmental Standard for Freshwater ("NES-F") and draft stock exclusion regulations.

These have all been released in draft form and are at various stages of the consultation process, so changes are likely to be made in response to submissions. Many farmers will be impacted and it will be important for farmers to participate as much as possible in the submission and consultation process.

One of the major proposals includes a new planning process for freshwater. The main elements of that process include:

- councils being required to notify changes to their Regional Policy Statements and Regional Plans (freshwater planning instruments) to implement the NPS-FM by 31 December 2023 and make final decisions on those changes by 31 December 2025. This will focus attention on addressing diffuse discharges of nutrients to land and water. Regional councils will need to establish ways to monitor progress towards achieving freshwater targets and develop action plans where there has been a decline in the quality of a freshwater body.



It is expected that the proposals for improving freshwater management will be relatively controversial.

- the Chief Freshwater Commissioner determining the timing and composition of freshwater hearing panels, as appropriate to the freshwater planning instrument in respect of which submissions are to be heard.
- freshwater hearings panels comprising up to 5 freshwater hearings commissioners, with the ability to direct conferencing of experts, appointing of special advisers, cross-examination and mediation.

It is expected that the proposals for improving freshwater management will be relatively controversial and will receive significant attention during the select committee process.

In terms of changes to farming practices, it is likely that NES -F will require all farmers and growers to have a freshwater risk management plan by 2025, and from 2020 stronger evidence will be required to support applications for new irrigation and dairy conversions.

Quite apart from the importance of farmers being mobilised to become involved with the select committee process, it will also be prudent to get input from specialist advisers on winter grazing, feedlots, stock holding areas, fencing and related issues, to ensure that all affected parties are fully informed of all recent (and upcoming) changes that could impact farming operations.