



Resource Management (National Environmental Standards for Freshwater) Amendment Regulations 2021

Patsy Reddy, Governor-General

Order in Council

At Wellington this 19th day of April 2021

Present:

The Right Hon Jacinda Ardern presiding in Council

These regulations are made under section 43 of the Resource Management Act 1991—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for the Environment made in accordance with section 44 of that Act.

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Regulations

1 Title

These regulations are the Resource Management (National Environmental Standards for Freshwater) Amendment Regulations 2021.

2 Commencement

These regulations come into force on 30 April 2021.

3 Principal regulations

These regulations amend the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.

4 Regulation 2 amended (Commencement)

(1) Replace regulation 2(2)(a) with:

(a) regulations 28 to 31 (temporary standards for intensification of intensive winter grazing) come into force on 1 May 2021:

(2) After regulation 2(2)(b), insert:

(c) regulations 26 and 27 (general standards for intensive winter grazing) come into force on 1 May 2022.

5 Regulation 29 amended (Permitted activities and restricted discretionary activities: temporary further conditions)

After regulation 29(5), insert:

How this regulation applies until regulations 26 and 27 come into force

(6) Until regulations 26 and 27 come into force, this regulation applies as follows:

(a) despite subclause (1) of this regulation, an activity described in regulation 26(1) or (2)—

(i) must comply with the conditions in subclause (3) of this regulation to be a permitted activity; but

(ii) does not need to comply with the applicable condition, or applicable conditions, in regulation 26(3) or (4) to be a permitted activity; and

(b) subclauses (2) and (4) of this regulation have no effect; and

(c) subclause (5) of this regulation applies as if it referred to a person undertaking a permitted activity under this regulation (rather than under regulation 26).

(7) This subclause, subclause (6), and the heading above subclause (6) are revoked on 1 May 2022.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 30 April 2021, amend the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (the **principal regulations**).

These regulations—

- amend regulation 2 of the principal regulations so that the general standards for intensive winter grazing in regulations 26 and 27 of the principal regulations come into force on 1 May 2022, rather than 1 May 2021; and
- amend regulation 29 of the principal regulations to clarify how regulation 29 applies until regulations 26 and 27 come into force.

Until regulations 26 and 27 come into force, the effect of regulation 29 is that the use of farm land for intensive winter grazing, or a discharge of a contaminant associated with that use, is a permitted activity if—

- land on the farm was used for intensive winter grazing between the start of 1 July 2014 and the close of 30 June 2019; and
- at all times, the area of the farm that is used for intensive winter grazing is no greater than the maximum area of the farm that was used for intensive winter grazing in that period.

If the activity is not a permitted activity under regulation 29, it is a discretionary activity under regulation 30 of the principal regulations.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 22 April 2021.

These regulations are administered by the Ministry for the Environment.