

19-D-01602

s 9(2)(a)

Dear s 9(2)(a)

Official information request for documents regarding the Government's Essential Freshwater package

I refer to your Official Information Act 1982 (the Act) request dated 1 August for:

** All reports, memorandums, papers, documents, advice, correspondence, notes, emails, text messages, and other official information, between the Ministry for the Environment, DairyNZ, Beef+Lamb New Zealand, Federated Farmers, and Horticulture New Zealand regarding the Government's Essential Freshwater package, since 1 November 2018.*

** All reports, memorandums, papers, documents, advice, correspondence, notes, emails, text messages, and other official information between the Ministry for the Environment and Regional Councils, regarding the Government's Essential Freshwater package, since 1 April 2019.*

Further to our decision letter of 12 September 2019 please find the first tranche of information. This tranche includes emails and documents for June 2019 and text messages between Martin Workman, Director Water (MfE), Charlotte Rutherford, Fonterra, and David Burger, Dairy NZ. An issue with phone memory prevented access to messages older than six months old. Also included are handwritten notes from Martin Workman's meetings with primary sector groups. Attached is a list of documents being released to you in this tranche of our response.

It will take the Ministry further time to assess and prepare the remainder of the information for release. The information is therefore being released in three tranches. I will send you the next tranche of replies within 15 working days of this letter.

I have included an email from 29 May 2019 with the 6 June email as it adds further context to this item.

The Monday 17 June email "RE: STAG report and the Cautious 5" references an attachment. The Ministry does not hold a copy of the attachment as officials were not included during the early discussions. In this case officials were copied in at a later stage to facilitate actions to address issues raised and were not provided with a copy of the attachment.

Some information has been withheld under the following sections of the Act:

9(2)(a) *protect the privacy of natural persons, including that of deceased natural persons*

9(2)(f)(iv) *maintain the constitutional conventions for the time being which protect— the confidentiality of advice tendered by Ministers of the Crown and officials*

18 (d) *that the information requested is or will soon be publicly available*

In terms of section 9(1) of the Act, I am satisfied that, in the circumstances, the withholding of this information is not outweighed by other considerations that render it desirable to make the information available in the public interest

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact ministerials@mfe.govt.nz.

Yours sincerely



Wes Patrick

Acting Director, Water

Released under the provision of the Official Information Act 1982

No.	Date	Content	Decision	OIA Section/s applied (if withholding information)	Reason for withholding	Notes
JUNE 2019 EMAILS						
1	Wednesday, 5 June 2019	Overview notes for this afternoon's advisory group meeting	Partially released	9(2)(a)	protect the privacy of natural persons, including that of deceased natural persons	
1.1		Attachment: Overview of rural package proposal for advisory groups	Refused in full	S9(2)(f)(iv)	maintain the effective conduct of public affairs through—the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any department or organisation in the course of their duty;	
1.2		Attachment: Current proposals for NPS – 5 June 2019	Released in full			
2	Thursday, 6 June 2019	Essential Freshwater Update for Members of the FLG, KWM, STAG, and Regional Sector Group_ Meeting Notes and Next Steps	Partially released	9(2)(a)	protect the privacy of natural persons, including that of deceased natural persons	
2.1		Attachment: Essential Freshwater Advisory Group Joint hui notes 5	Released in full	N/A	N/A	This information is also referenced in

No.	Date	Content	Decision	OIA Section/s applied (if withholding information)	Reason for withholding	Notes
		June 2019				items 10.4 and 10.6
2.2		Regional Sector Water Subgroup briefing – Essential Freshwater 22 May 2019	Released in full	N/A	N/A	This information is also referenced in items 10.4 and 10.6
2.3		First report of the FLG 26 April	Released in full	N/A	N/A	This information is also referenced in items 10.4 and 10.6
3	Thursday, 6 June 2019	RE_ Federated Farmers Board Meeting	Released in full	N/A	N/A	
3.1	Wednesday 29 May 2019	WATCHING BRIEF: WATER - In confidence: Freshwater Workshop - papers	Released in full	N/A	N/A	This email provides background to item 3
4	Thursday, 6 June 2019	Re_ Hopefully Semi-Final synthesis attached for your URGENT last comments	Partially released	9(2)(a)	protect the privacy of natural persons, including that of deceased natural persons	
5	Friday, 7 June 2019	RE_ Nutrient attribute tables - Synthesis of comments on Kens questions	Released in full	N/A	N/A	Further information on the development of the nutrient attributes tables and the Science and Technical Advisory Group's report to the Minister for the Environment can be found on the MfE website.
5.1		Attachment: Synthesis of comments on Kens questions	Released in full			
6	Monday, 10 June 2019	AWAITING RESPONSE_ Essential Freshwater Advisory Groups_ Next Steps	Partially released	9(2)(a)	protect the privacy of natural persons, including that of deceased natural	Some out of scope material withheld and some material withheld under s 9(2)(a)

No.	Date	Content	Decision	OIA Section/s applied (if withholding information)	Reason for withholding	Notes
					persons	
7	Tuesday, 11 June 2019	Unauthorised sharing of confidential information	Released in full	N/A	N/A	
8	Thursday, 13 June 2019	Draft Morphum Reports on Sediment for your Feedback	Released in full	N/A	N/A	
8.1		Attachment: Task 4 Continuous Simulation Final Draft.pdf	Refused in full	18(d)	that the information requested is or will soon be publicly available:	https://www.mfe.govt.nz/publication-search?f%5B0%5D=field_section_top ic%3A164
8.2		Attachment: Task 2 Report.docx	Refused in full	18(d)	that the information requested is or will soon be publicly available:	https://www.mfe.govt.nz/publication-search?f%5B0%5D=field_section_top ic%3A164
8.3		Attachment: Task 3 Report FINAL DRAFT 2019-06-04.docx	Refused in full	18(d)	that the information requested is or will soon be publicly available:	https://www.mfe.govt.nz/publication-search?f%5B0%5D=field_section_top ic%3A164
9	Thursday, 13 June 2019	Essential Freshwater_ Update for Members of the FLG, KWM, STAG, and Regional Sector Group_ Additional Information	Partially released	9(2)(a)	protect the privacy of natural persons, including that of deceased natural persons	
10	Friday, 14 June 2019	Agenda and Papers for First Meeting of EFW Integration Group	Partially released	9(2)(a)	protect the privacy of natural persons, including that of deceased natural persons	
10.1		Attachment: 1a - Essential Freshwater Integration Group Draft Agenda 17 June 2019	Released in full	N/A	N/A	

No.	Date	Content	Decision	OIA Section/s applied (if withholding information)	Reason for withholding	Notes
10.2		Attachment: 1b - Te Mana o te Wai 5	Refused in full	18(d)	that the information requested is or will soon be publicly available	https://www.mfe.govt.nz/publications/fresh-water/te-mana-o-te-wai-health-of-our-wai-health-of-our-nation-k%C4%81hui-wai-m%C4%81ori
10.3		Attachment: 1c - Te Kahui Wai Maori Response to MFE Documents - 30 April 2019.pdf	Refused in full	18(d)	that the information requested is or will soon be publicly available	This is appended to the full Te Mana o te Wai report linked to above.
10.4		Attachment: 1d - First report of the FWLG 26 April.pdf	Released in full	N/A	N/A	This information is also referenced in items 2.1, 2.2 and 2.3
10.5		Attachment: 1e - Letter to Ministers 31 May 19[1].pdf	Released in full	N/A	N/A	
10.6		Attachment: 1f - Regional Sector Water Sub-Group briefing - Essential Freshwater 22 May 2019.pdf	Released in full	N/A	N/A	This information is also referenced in items 2.1, 2.2 and 2.3
10.7		Attachment: 1g - MfE-identified issues and problem statements.pdf	Released in full	N/A	N/A	
11	Friday, 14 June 2019	Re_ Quick question on telemetry of water use in your region ^^RE-34195^^	Released in full	N/A	N/A	
12	Monday, 17 June 2019	RE_ STAG report and _Cautious 5_ appendix	Released in part	9(2)(a)	protect the privacy of natural persons, including that of deceased natural persons	

No.	Date	Content	Decision	OIA Section/s applied (if withholding information)	Reason for withholding	Notes
13	Thursday, 20 June 2019	Update on the identification process for the high nitrogen pressure catchments	Released in full	N/A	N/A	
14	Thursday, 20 June 2019	RMG Workshop support document	Released in full	N/A	N/A	
14.1		Attachment: Memo to RMG - Essential Freshwater Implementation workshop June 2019	Released in full	N/A	N/A	
15	Thursday, 20 June 2019	Essential Freshwater Integration Group: Next Steps	Released in full	N/A	N/A	
16	Friday, 21 June 2019	Essential Freshwater Integration Group_ Next Steps (First action - draft documents for feedback on errors or omissions by 3pm, Friday)	Released in full	N/A	N/A	
16.1		Attachment: Draft discussion document	Refused in full	18(d)	The discussion document is publicly available	https://www.mfe.govt.nz/publications/fresh-water/action-healthy-waterways-discussion-document-national-direction-our
16.2		Attachment: Summary table	Partially released	9(2)(f)(iv)	To maintain the confidentiality of advice tendered by Ministers of the Crown and officials	
17	Tuesday, 25 June 2019	RE_Essential Freshwater_Update for Members of the FLG, KWM, STAG, and Regional Sector Group - Next Steps from the Integration	Released in full	N/A	N/A	

No.	Date	Content	Decision	OIA Section/s applied (if withholding information)	Reason for withholding	Notes
		Group Meetings				
17.1		Attachment: 25.06.2019 – STAG report addendum – Nutrient metrics for circulation to working groups	Partially released	9(2)(a)	To protect the privacy of natural persons	
18	Thursday, 27 June 2019	RE_ STAG report - ultimate version	Released in full	N/A	N/A	
TEXT MESSAGES						
19	Thursday 30 May 2019 – Thursday 8 August 2019	Text messages between Martin Workman (MfE) and David Burger (DairyNZ)	Released in full	N/A	N/A	
20	Tuesday 9 April 2019 - Thursday 8 August 2019	Text messages between Martin Workman (MfE) and Charlotte Rutherford (Fonterra)	Released in full	N/A	N/A	
NOTES FROM PRIMARY SECTOR MEETINGS						
21		Martin Workman's notes	Released in full	N/A	N/A	

Essential Freshwater Integration Working Group

Draft agenda for 17 June 2019

Level 1, Ministry for the Environment, Kate Sheppard Place, Wellington

Attendees:

Co-chairs: Hugh Logan, Riki Ellison

Freshwater Leaders Group: Gary Taylor, Alison Dewes, Graham Gleeson.

Kāhui Wai Māori: Dover Samuels, Millan Ruka, Riki Ellison, Maia Wikaira.

Science and Technical Advisory Group: Adam Canning, Joanne Clapcott, Bryce Cooper.

Regional Sector Group: Nicola Green (BOPRC), Andrew Parrish (ECan), Chris McLay (WRC)

MfE: Bryan Smith, Janice Rodenburg, Nick Martelli

Time		Agenda Item
9:00 am – 9:30 am	30 minutes	Morning tea on arrival
9:30 am – 10:00 am	30 minutes	Introductory session - Ways of working - Intended outputs <i>Relevant paper:</i> <i>Essential freshwater integration working group terms</i>
10:00 am – 11:00am	1 hour	Overview of each group's reports from members of that group – approx. 15 minutes each <i>Relevant papers:</i> <i>Kāhui Wai Māori report</i> <i>Kāhui Wai Māori comments on papers received at 29 April hui</i> <i>FLG interim report</i> <i>FLG 31 May letter</i> <i>Regional Councils 22 May position statement</i> <i>STAG report (once available)</i>
11:00am – 12:00pm	1 hour	Discussion on priorities and agenda for the week - Review MfE list of topics intended to be addressed in the regulatory package - Identify topics where there is agreement - Identify any gaps - Priorities topics where further discussion is required - Plan agenda for the afternoon and the week <i>Relevant paper:</i> <i>MfE list of topics</i>
12:00pm – 12:30pm	30 mins	Lunch
Afternoon		Agenda to be confirmed
4:00 pm		Meeting closes

31 May 2019

Hon David Parker
Minister for the Environment
d.parker@ministers.govt.nz

Hon Damien O'Connor
Minister of Primary Industries
d.o'connor@ministers.govt.nz

Dear Ministers

Further advice from the Freshwater Leaders Group

Further to our interim report to you of 26 April 2019, the Freshwater Leaders Group (FLG) would like to provide you with some further advice on:

- Matters where we have extended our previous thinking on mahinga kai and the taking of food from freshwater bodies, and swimming standards.
- The times by when the outcomes set by the National Policy Statement-Freshwater Management (NPS-FM) and regional plans should be achieved.
- Ongoing concerns about the lack on integration of clearly related policies.
- Some clear principles for allocation that we have developed.

Mahinga kai and the taking of food – a compulsory value

Appendix 1 to the NPS-FM does not currently have mahinga kai and fishing/food gathering as a compulsory national value that councils must identify relevant attributes for. While the compulsory values do include ecosystem health, which addresses the adverse effects on flora and fauna of contaminants, flow regimes, essential habitat needs and other factors, none of these relate to the relationship between the mahinga kai/fish, and harvesting. These are addressed in the other (non-compulsory) national values. The mahinga kai/fishing values should be compulsory.

Swimming standards also need to cover mahinga kai, recreational use, and the coast

The FLG recognises the shared value of New Zealanders feeling safe to swim and having recreational contact with freshwater bodies in their local area. We have recently been briefed by officials on the proposed requirements to achieve water microbial contamination

levels that allow swimming standards to be met in water bodies that people wish to swim in.

We support these proposals, but believe that the requirements on regional councils within regional plans to achieve microbial standards suitable for safe human contact should be extended to any areas used for gathering of mahinga kai, or recreational use such as fishing.

We would also note that freshwater quality can also affect recreation (e.g. swimming, surfing) in the coastal marine area. Most New Zealand cities are based on or near the coast and urban discharges can contaminate beaches in and around cities. Improvements to freshwater quality should help improve water quality in the coastal marine area.

Timing for achieving limits

We have previously advised that regional council plans should be operative (not just notified) by 2025. We are also concerned about what will need to happen after that to ensure that the plans are enforced, monitored and adjusted (if needed).

While there will be a role for the central government agency/Water Commission discussed in our earlier report, there should also be further guidance in the NPS-FM. Regional councils should be regularly required up to 2035 to show that they are making demonstrable progress towards meeting the water quality limits set out in their regional plan, and that this progress is as swift as practicable. Officials should be able to design some metrics for what is 'demonstrable', including establishing a trend of continuous improvement. This would be able to be monitored and reported on regularly by the Commission.

In addition, we think that the NPS-FM should require councils to have plans that will achieve the limits by a specified date that is nationally set, not just regionally determined. This date is likely to vary catchment by catchment and will need to be take into account matters such as biophysical circumstances – for example, discharge lag times or earthquake events. We do not have the necessary information to develop these dates but we think that it should be done and that the dates should be challenging. The dates should be set by the Minister or the proposed Commission.

Integrated policy is essential to deliver on *Essential Freshwater*

The FLG would like to reiterate its earlier concern about the importance of all sectors doing their part to halt the decline and reverse harm to our waterways. We are not yet convinced that enough is being done to integrate the proposed changes to water management in *Essential Freshwater* with a number of other important related policy areas, including:

- Ensuring that the way that flow regimes are determined is adequate.
- The integration of work on allocation for both discharges and water takes.
- The treatment of urban water issues through the Three Waters Review.

- The National Environmental Standard on Plantation Forestry (NES-PF)
- Climate change policy.
- The Billion Trees policy.

Not having integrated policy will place at risk the outcomes being sought by *Essential Freshwater* or risk the changes being made being seen as unfair. At this stage we particularly want to draw attention to two issues.

First, of particular concern is the NES-PF that is currently being reviewed. While the setting of new standards for sediment within the proposed NPS-FM will mean that higher standards will be imposed on the forestry industry after 2025, we believe there is significant risk of harm in the intervening years. This is because of:

- the extent to which sediment is causing a decline of waterway health
- the weakness of the current rules for managing sediment in the NES-PF
- the intensity of plantation harvesting scheduled to occur before 2025, when the NPS would take effect (in 2018, approximately 35 million m³ of timber was harvested and similarly high annual volumes are predicted over the next decade.)

New standards should immediately be established for the harvest of plantation forestry that would ensure that that high risk activity within the forestry sector would be managed in a consistent way with agricultural land practice set out in the proposed NES and revised NPS-FM.

Second, as a new allocation regime for water takes will not be completed and adopted during this term of government, and new minimum flow provisions to meet the revised NPS-FM objectives and policies may not take effect until 2025, there is a real need to consider interim measures to protect waterways from excessive takes.

Allocation principles

We have been briefed by officials on their developing thinking on allocation. We felt that it would be most useful if we set out some key principles that should be used to help arrive at an allocation policy, rather than a detailed commentary on the Ministry's draft paper.

While the Ministry's paper addressed only nitrogen, the principles we have developed could also be used for other discharges and for the allocation of water takes from catchments (water quantity).

Our key principles are:

1. As we clearly expressed in our first report, the water comes first. Ensuring that waterbodies are treated in such a way as to maintain ecosystem health must be the first priority of an allocation system. Providing for essential human needs

and sanitation must come second. These priorities, which are consistent with the approach used in section 5 of the Resource Management Act, must be used to establish limits for each catchment, using a precautionary¹ approach so that these priorities are not over-ridden. The capacity of the water or waterbody to be allocated for economic use can then be determined.

2. Water and waterbodies cannot be considered separately from the catchments they are part of. The land, land use within the catchment, the ecosystem services provided, the takes of water and the activities that lead to discharges into water, must be considered and planned for in an integrated way. All of these interactions must be considered as part of the waterbody itself.
3. The historic first-in first-served principle of water management, and the grandparenting of rights that this implies, is no longer useful, either for fair allocation, or for transitioning over-allocated catchments to a future where water quality is protected and restored.²
4. Water is a communal resource and systems of allocation must recognise and reflect this. While it is recognised that legal or implicit rights (e.g. the right to discharge contaminants, the right to take and use water) will naturally take on some of the features of 'property rights' and will at times confer value to businesses over time, allocation systems should not shelter businesses from the need to protect natural resources that are sensitive, variable and interconnected, nor the costs of mitigating environmental consequences of activities.
5. Businesses and firms do need certainty so that they can invest and develop their potential use of the communally owned resource. A fair allocation system also needs to recognise this.
6. In the future, after the needs of the waterbody and essential human needs have been protected, allocation systems should be based on the inherent natural capital of the land and waterbodies. This is the best allocation approach because it recognises the natural interactions between the land, the use of the land, and the waterbodies within each catchment or sub-catchment. There is a significant amount of work needed on the detail of this, and there are significant transitional issues that would need to be dealt with when moving to a new allocation system based on natural capital. There are a range of options for this transition, including recognising in some form existing uses at the start of the transition.
7. An allocation system must be dynamic, able to account for changes over time in climate, water availability and economic changes. It must allow rights to take water or to discharge to move over time to the best land use (accounting for the

¹ Note that one of the Group does not agree with the use of the precautionary approach.

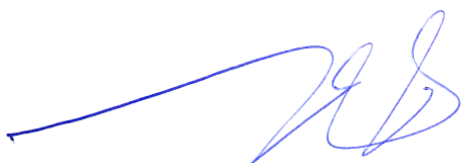
² Note that all of the Group believe that grandparenting of current 'rights' should not be the outcome of a new allocation system, while some members of the Group believe that recognition of the rights provided by first-in first-served should provide the basis of the start of the transition to a new allocation system.

needs of the water itself, human needs and economic needs – both for rural land use and for industry). This requires a transition to a fair allocation system so that, within catchments, water quality can be restored, protected and maintained, communities have the water that they need and want, and available water is used to create the most good for the community both in terms of economic outcomes and community wellbeing (e.g. recreation).

8. New Zealand must maintain its sovereignty for the governance of our water resources and over its ability to regulate without interference from any international trade rules or obligations. Allocation systems cannot allow any diminution of this. This is especially important in a world where climate change will see many countries confronting serious water shortage issues causing them to look for water elsewhere.

We would be happy to expand on any of this advice, and will continue to provide feedback to you as the reform package is developed.

Yours sincerely



John Penno
Chair
Freshwater Leaders Group

22 May 2019

Regional Sector Water Subgroup position on Essential Freshwater proposals

The Regional Sector Water Subgroup congratulates the Ministers for the Environment and Agriculture on the bold proposals to improve the quality of freshwater and give effect to Te Mana o Te Wai.

- The proposals build upon the significant work already occurring around the country to improve freshwater, including regional plans and 'on the ground' investments.
- Many of the proposals have the potential to improve the quality of our freshwater; the "Rural Package" and many of the national direction policies will play a key role in improving water quality.
- However in our view the proposals cannot all be implemented in the timeframes suggested, and due to capacity constraints in the system outside of regional council control, some of the proposals are unlikely to achieve the outcomes sought.

A shared responsibility

- We support sharing responsibility for freshwater quality to include all parties; for example, Farm Environment Plans will be the responsibility of landowners and industry with regional councils in an auditing and compliance role.

We need to prioritise

- Water quality issues don't exist everywhere - catchments should be prioritised and focus given to those deemed most "at risk."

Upscaling of catchment science and data

- Priority should be directed in the national science investment to support the proposed packages; this includes investment in key water management questions, up-to-date mapping of landuse, tools for catchment accounting, and improving understanding of links between actions on the land and outcomes in waterways.

Dissolved Inorganic Nitrogen (DIN) and Dissolved Reactive Phosphorus (DRP) attributes

- The attributes for DIN and DRP are not supported and we are very concerned about the implications of these proposals.
- There is a significant body of research in New Zealand that has identified drivers of Ecosystem Health which does not support the premise of the proposals.

Implementation

- Implementation across all of the system needs focus – resourcing capability and capacity; we have started work on an implementation plan for the regional sector, and we look forward to engaging with the other sectors and with the Crown, as they advance their own plans.

Vaughan Payne
Co-Chair, Regional Sector Water Subgroup

Attachments

1. Freshwater Reform, Letter to Hon David Parker 20 May 2019.
2. Regional Sector Water subgroup feedback on Essential Freshwater Policy Proposals, table dated 26 April 2019 and 20 May 2019.
3. Essential Freshwater –Regional Sector Water Subgroup response, Letter to hon David Parker 26 April 2019.
4. Regional council/unitary authority advice on Water Policy implementation; Letter to Hon David Parker 4 May 2018.

Released under the Official Information Act 1982

Who's
putting local
issues on
the national
agenda?

**We are.
LGNZ.**
Te Kāhui Kaunihera o Aotearoa.

20 May 2019

Hon David Parker
Minister for the Environment
Private Bag 18888
Parliament Buildings
Wellington 6160

Dear Minister

Freshwater Reform

The Regional Sector Advisory Group to the Essential Freshwater Taskforce met recently and we are pleased to provide you with advice on the recent proposals that have been shared with us.

Firstly, we reiterate that we support the Government's policy direction. We are focused on ensuring that the proposals achieve the Government's intended outcomes, in particular to see a demonstrable improvement in ecological health in our freshwater environments. We have also focused our thinking on the proposals with regards to implementation of the policy and, specifically, what the capability and capacity challenges will be. Such challenges extend beyond the regional sector and include all sectors with responsibility to improve freshwater outcomes. To achieve implementation quickly, industry should be mandated to require Farm Environment Plans as a condition of supply.

In the body of the letter we have raised strong concerns regarding the details of the proposals for new attributes for DIN and DRP in rivers to improve ecological health; these are outlined below.

The need to prioritise

We remain of the view that the proposed policy package is too wide in scope and that we cannot implement all of the proposals. If our capacity is spread too thin, our focus will be diverted from the work we have underway already and we are concerned that effort will be put into implementing policies that will actually effect little improvement on freshwater quality.

We have amended the table previously provided and given each policy a ranking of high, medium or low - according to the extent to which an intervention will make a demonstrable improvement to water quality. Many of the policies, particularly the "rural package" we support and are already engaging with officials on how implementation could work.

We are also of the view that prioritising the catchments identified as "at risk" is the most sensible approach to improving water quality. Unfortunately the "system," including all of its component parts, is not currently resourced to implement all of the reform package at the same time. Priority should be given to the catchments that are at risk of degradation in relation to the attributes specified in the proposals. We want to continue to work with officials to progress the "At Risk Catchments" approach.

Improving Ecosystem Health

The Regional Sector Advisory Group has considered the most recent policy proposals covering ecosystem health that have been shared with us. The proposals for E.coli are supported. The policy proposals for DIN and DRP are not supported. We are concerned that the approach has considerable risk that the anticipated outcomes (better ecological health) will not be met, and that in the process significant cost will be incurred to communities through required land use change. The Regional Sector Advisory Group is concerned that the science is unproven, not subject to peer review, and is in need of significant work to have the confidence that there is a direct causative link. Under the proposed new attribute limits, significant reductions in DIN and DRP will be required to lift many of our waterways out of the D band (as required by NPS-FM). In many situations, this will only be possible through land use change with the consequential impacts on regional economies and potentially create further social dislocation from our rural communities.

The fundamental premise of the proposals is, there is a direct and causative link between nutrient levels and ecological health (i.e reductions in N and P will result in predictable improvements in indicators such as the Macroinvertebrate Community Index or fish health).

There is a significant body of peer reviewed research in New Zealand that has identified drivers of ecosystem health. This body of research does not support the very simplistic premise of the proposals. Environmental drivers of ecological health are complex. Robust predictive models do exist in several regions (e.g. Waikato, Horizons) and these tend to identify flow, habitat and sediment as the key drivers. In most cases, nutrients are of secondary importance for macroinvertebrate measures of ecosystem health, (but are more important for periphyton).

An alternative approach that is subject to international research and peer review and more scientifically defensible is to review the existing N-toxicity and periphyton attributes to establish more stringent levels of ecosystem health protection.

We are concerned that the weight of evidence to support the proposals is not robust. We cannot support the proposals as they stand.

To achieve improved ecosystem health we recommend that MfE consider an alternative approach that strengthens requirements for existing attributes (i.e periphyton and N toxicity) and measures (e.g. MCI) to deliver stronger guidance in the NPSFM.

We would like the policy proposals for DIN and DRP to be peer reviewed by a suitably experienced independent expert.

Fair allocation

We have been provided with the "Fair Allocation Discussion document" but have not had sufficient time as an Advisory Group to fully consider the proposal and be in a position to provide advice. We make some high level points at this stage:

- In principle we support a Nutrient Allocation System as part of a package of initiatives for improving management of New Zealand's freshwater resources.
- We consider it is essential that Māori rights and interests in freshwater are accommodated and resolved by the Crown before rolling-out a Nutrient Allocation System.
- There are numerous implications for regional councils and we will be looking to have a focused discussion soon on the proposal.

Implementation

At our most recent meeting of the Advisory Group we discussed implementation of the reform package.

While we are focused on implementation by regional councils and how the policies will land on the ground, we are conscious of the need to look across the entire 'system' to ensure that all component parts, including central government aspects, are clearly identified, are coordinated and have the requisite capacity and capability to implement the proposals.

We are of the view that a 'whole of government' (central and local) approach to implementation is required and that co-design, with regional councils is essential. The implementation package will need to give attention to the matters below.

Agreeing priority catchments

The At Risk Catchments approach needs to be progressed and finalised so it can be the framework to agree national and regional priorities for catchments to target e.g. for phased roll-out of Farm Environment Plans. At present we are concerned that the data being used to inform the At Risk Catchments approach may not be aligned to the data currently identified by the Essential Freshwater proposals to improve freshwater outcomes.

Alignment of science funding with the freshwater policy agenda

There will need to be a significant upscaling of catchment-based knowledge to support the Government's freshwater policy agenda. We consider that New Zealand has a strong land-water science capability, but we would like to see greater emphasis on rapid translation of our collective knowledge into tools to support regional councils. Investment in fundamental and applied science is required right now and less focus on stretch science. Our ability to enable robust assessment of ecosystem health is one critical area for example, as is the development of tools for catchment accounting that enables stronger links to be made between changing land use and freshwater outcomes.

There is an opportunity to direct more of the current national science investment to support the intent of the proposed packages. This could include redirecting national science to the science needed to prepare for plan making and presenting technical evidence to hearings to speed up plan making processes and investing in further applied science. The current national science system does not seem to favour investment in the key water management questions, such as up-to-date mapping of landuse, developing tools for catchment accounting, and improving our understanding of links between actions on the land and outcomes in waterways. We would be very happy to work with your officials to clarify what we see is required.

Specifically, investing in science to enable robust assessment of ecosystem health is one critical area, as is the development of tools for catchment modelling and accounting that enables stronger links to be made between changing actions on the land and freshwater outcomes.

Capacity to prepare and audit Farm Environment Plans

The proposal for Farm Environment Plans as part of the "Rural Package" means there will be demand for the skills to work with farmers to prepare Farm Environment Plans and to audit them. This signals the need to consider what changes are needed to our vocational training offerings to ensure FEPs can be delivered in a timely way.

Mapping of land use

Investing in up-to-date mapping of land use, and in land suitability databases is necessary to underpin some of the proposals. This should include a national stocktake/mapping exercise by CRIs of where High Risk Land Use Activities occur.

Environmental reporting framework

The framework for environmental reporting will need to be reconsidered to take account of the proposed new monitoring requirements.

Compliance monitoring

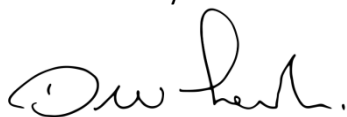
Increasing compliance monitoring will be required, including aerial monitoring and ground based follow ups. Compliance monitoring will also have to focus on new matters, requiring system changes. The ability to recover costs of permitted activity monitoring needs to be resolved as new regulations will require additional monitoring with requisite costs.

Planning template

We see potential for a template for freshwater plans and common provisions where possible. National Environmental Standards based on At Risk Catchments is also a concept worth exploring.

Members of the Advisory Group would like to meet with you to discuss the contents of this letter and our advice. I see merit in regular meetings as the package progresses, if you have capacity for this.

Yours sincerely



Doug Leeder
Chair, Regional Sector
Local Government New Zealand

Regional Sector Water Subgroup feedback on Essential Freshwater Policy Proposals

26 April 2019 Additional proposals 20 May 2019

Regional Sector Water Subgroup ranking of the proposals **HIGH/MEDIUM/LOW** re contribution of the proposal to improve water quality

2019 – B – 05440 Seeking agreement to national direction proposals - the “rural package”

Proposal	Regional Sector Water Subgroup position
Farm Environment Plans (FEPs) - FEPs should be risk based and mandatory – where risks to WQ are high - Phased roll out proposed - Minimum content will be defined - Certified practitioner to approve FEP - Independent auditing and reporting - Existing and new FEP regimes enabled - RCs to monitor the sign-off of FEPs - Roll out over 10 years; current tranche 1 by 2022, tranche 2 by 2025, all (Tranche 3) by 2030 - Tranche 2 will target vulnerable catchments and catchments with high water quality risks	Very strong support – implementation issues to resolve and industry will be critical in FEP roll-out HIGH - Support industry leadership in FEP delivery and Councils’ role in monitoring and auditing of FEPs. - National and regional priorities need to be set and reconciled to support phased roll-out. - Need to quantify current capacity to deliver and estimate size of task - how big is the gap? Solutions? - Transition of FEPs from voluntary to consent requirements raises implementation and CME issues (e.g. enforceability of actions). - Achieving national consistency is important – auditing to support this. - Support a modular design – start simple then “bolt on” as issues and capabilities evolve. - Recognise the FEP is simply the vehicle for actions to reduce impacts on freshwater - keep it simple so focus can be on actions/change. - Need framework for assessing effects of actions on freshwater outcomes (Is action having impact?). - It would be useful to have a sense of how large each tranche is. Support extended rollout and prioritisation based on environmental risk
High Risk Land Use Activities (HRLUAs) - Covers feedlots, stock holding areas and intensive winter grazing - Regulations will prescribe minimum standards and/or require conditions of consent - Consent requirement for intensive winter grazing on a slope over 20 degrees, or over an area greater than 50ha/10% of a property - If a consent is not required, technical standards apply to intensive winter grazing wherever it occurs: - grazing management, a 5 m setback, and critical source area protection - pugging depth of 10cm over no more than 50% of a paddock - sediment control measures (eg a requirement for sediment ponds, bunds, cut-offs)	Support increased controls on high risk activities HIGH - High consenting burden for some regions depending on definitions. - Definitions need to be clear and unambiguous - many matters to be resolved including the intended scope of HRLUAs (e.g. intended to cover dairy milking sheds, stock yards?). - General lack of information about where HRLUAs currently occur - a national stocktake/mapping exercise would be very useful for RCs and our CRIs have the capabilities for detailed mapping. - The rationale for and use of activity status and controls needs to be clarified (e.g. matters of discretion?). - Establishing 2013-2018 baseline (e.g. extent of forage cropping) will be very difficult and open to gaming. - Compliance monitoring likely to require costly aerial observations and ground-based follow-ups - very significant resource implications (and shifting compliance monitoring priorities?). - Pugging definition will be very difficult to monitor/enforce
Stock exclusion - NZ will be divided into ‘lowland area’ and ‘other’ area; - Within lowland areas: - all lakes and intermittent¹ rivers² >1m wide stock excluded within 12 months for all dairy + dairy support; within 3 years for other pastoral systems - all permanent and intermittent rivers < 1m should have stock excluded within 3 years for all dairy and dairy support; within 5 years for other pastoral systems - all wetlands should have stock excluded within 3 years - at least a 5m setback to be provided from rivers and lakes; no setback from drains 5 years to move existing fencing - opportunity to apply to reduce setback/extend timeframe	Very strong support, but resolution needed: HIGH - Where stock already excluded but 5m setback not achieved, landowner should NOT be required to shift the fence unless required by a regional plan/FEP - very large expense for marginal water quality gains. - Regional plans need to be able to set a more specific setback and to require planting (e.g. Variation 6 to Waikato Plan requires 3m planted setbacks to mitigate effects of surface water takes). - How is “lowland” defined and mapped? Needs to be land form focussed, rather than altitude, i.e., include plains and gently rolling land that may not be coastal. - Compliance monitoring will be difficult, particularly for temporary fencing (could be linked with aerial surveys of HRLUAs). - Difficult to justify a 5 m setback in all situations (not risk-based). - Councils do not hold information about stocking units.

- For 'other' areas a risk-based approach should be taken, stock exclusion required where: - dairy/pig farming unless fully housed - cattle or deer break-fed on fodder crops - cattle or deer on irrigated pasture - cattle or deer where stocking rate exceeds 14 stocking units/ha - All stock crossing points require bridge/culvert 2 crossings per month permitted without bridge/culvert (exceptions for deer) 5 metre setback an average across the property, setback must not be less than 1m 10 year transition period where there is existing fencing (fencing must not be less than 1m for waterway) ¹ Intermittent (but not ephemeral) ² and drains	- Stock exclusion of sensitive areas (e.g. wetland/spring complexes in river valleys and inter-montane basins) outside the 'Lowland' area should also be considered. - Careful consideration needed about including all intermittent streams and drains <1m in the 5m setback requirement and in the timeframes stated. Perhaps prioritise. - Improvement in terms of landowners having options to manage different risks through riparian setbacks. Same compliance monitoring challenges as for 5m setback everywhere. 10 yr transition for existing fences more reasonable, particularly given 5m average.
Intensification - Interim intensification targeted at land-use change, forage cropping and irrigation in regions/catchments that do not have operative rules and limits (Regs cease when limits set): - Increase in irrigated pastoral/arable/horticulture production - Increase in forage cropping (ref to 2013 – 2018 footprint) - High-risk land-use changes dairy support/sheep/beef to dairy and forestry to any pastoral use - Any land-use change to commercial vegetable growing - Consent conditions would include FEPs, no increase in N, P, sediment or microbial pathogen discharges above a 2013-2018 baseline; GMP - Two options for vegetables: - Farm Environment Plans - No increase in N,P, sediment or microbial pathogen discharges above a 2013 – 2018 baseline (average)	Support, but resolution needed: HIGH - Covers land use change and some, but not all intensification pathways within a farming enterprise (e.g. increasing brought in feed not covered). - Obtaining 2013 – 2018 footprint data will be very challenging. - Confidence in modelling of 2013-2018 baseline for N, P, sediment and microbial pathogen discharges at property scale will be low. - Limited information on these land uses is held by RCs to determine the baseline and for CME. - Intensification regulations should apply to all sectors, as the intended outcome is improved water quality - horticulture has been entirely excluded. - Support all sectors having similar requirements
Nitrogen cap - Interim regulations in catchments without rules and where there are 'highly N impacted waterbodies' (described via criteria or listed catchments) - FEPs to determine discharges (Overseer where possible) and farm inputs across catchment - identify those with the highest N discharges - set a percentile (75/85%) threshold for N-leaching for the catchment - resource consent will be required for landowners above the threshold - Takes a different approach for vegetable growers - A consent will be required for those above the identified threshold for high N leaching - Provision of a FEP and Overseer budget will be a requirement - Dependant on information from individuals or from dairy processors (Fonterra) - Extend the FEP proposals using N-surplus to target high nitrogen leachers - Establish national N-surplus thresholds by sector - Include high N-impact catchments in the first tranche of FEPs (by 2022) - All FEPs in high N-impacted catchments required to include an N-surplus calculation and measures to reduce it (whether under or over threshold) - Those over threshold required to show how they will achieve the threshold within a timeframe specified in the NES, with annual audits until the threshold is reached - Plans can be more stringent (eg require an Overseer budget) - An additional component could fast-track the identification of farmers over the thresholds, through Accords with the sectors (likely quid pro quo is the sectors are able to deliver FEPs for their farmers)	Support the intent, resolution of matters is needed: HIGH - Support targeting regulations to catchments where there are no effective rules/limits and there are 'highly N impacted waterbodies' (including estuaries). - Definition of 'highly N-impacted waterbodies' is not clear - a national map would be useful. - Obtaining adequate data to determine percentiles for different farming types (and soil/geology/rainfall types) is a major challenge. - Will generate a significant consenting workload depending on scale of inclusions. - Determining compliance against the N-cap is also challenging (e.g. based on average or maximum of multiple years data). - Model approval process is needed for Overseer (e.g. pastoral agriculture) and need to develop/clarify an appropriate approach for other land uses (e.g. horticulture and vegetable growing) - very high priority for applied research. - Horticulture and drystock needs to be included, as poor practice in these sectors does contribute significantly to N loads in some catchments. - A single N-loss maximum cap is not appropriate for any sector. - Need to be clear about what we are managing N for (i.e. reducing adverse effects vs controlling land use). - How does this package align with Fair Allocation workstream? RSWs would like opportunity to review the Fair Allocation workstream. - This greatly reduces reliance on OVERSEER and removes the variability driven by soil and rainfall differences. Also, easier to identify high-risk farm management practices relating to N surplus and target these in farm plans. Reduces environmental risk by requiring farmers to improve resource use efficiency. - Success of proposal hinges on how/where thresholds are set, so seek an opportunity to review/input. Needs to include all sectors including horticulture.

2019 – B – 05416 Essential Freshwater 40: Assisting councils to implement the NPSFM

Proposal	Regional Sector Water Subgroup position
New plan making process to help councils to implement the NPSFM • A core FW hearings panel (FWHP) - chaired by a retired EC judge - IHP members – legal expertise; RMA plan making; water expertise; understanding of tikanga Māori; - iwi rep(s); - elected rep(s) • FWHP could coordinate multiple plan hearings • MfE/EPA provide administrative assistance • Hearings panel hear submissions then present recommendations to council or make final decisions • Merit appeals if council rejects panel recommendations • Appeals to HC on points of law if council accepts panel's recommendations	Support the intent, time to notification not addressed HIGH • Strongly support having an Independent Hearings Panel that provides national consistency. • Limited pool of available retired EC judges for Chair role - expand to experienced Commissioner Chairs. • The streamlined planning process will speed up the plan making process from the date of notification of a proposed plan. It would not address factors that cause delay prior to this. • Central government should support by providing a pre-approved pool of regionally based commissioners with a comprehensive understanding of Māori values, interests and matauranga. This would assist where there are multiple iwi competing to advocate for their tribal interests as Māori commissioners. • Treaty settlement arrangements have been based on current RMA processes - need assurances from government that the changes to the process won't have implications for these arrangements • Research needs - redirect science investment to assist in preparing science, monitoring and modelling needed to support planning processes in councils - focus on catchment accounting and other high priority themes. • Consider impact of water-focussed planning on unitary councils more integrated planning requirements. • Need science translation into robust technical evidence for planning process.
Support for councils to achieve notification by 2023 • Additional direct, on-the-ground assistance for councils (included in budget bid) • Default regional environmental flows and (input) limits could be established in the plan • NB little detail provided	Support in principle HIGH (if targeted) • In some regions the complexity of the science, data engagement and planning processes are more of an issue than resource availability. • Support two-step process – regionwide default settings are applied followed by catchment based processes, prioritised based on water quality and ecological health risks. • To meet the 2023 notification deadline, councils will have to substantially reduce engagement processes in the pre-draft phase of planning, and will have to rely on more limited, less certain data, science and modelling - does government support this reduction in engagement evidence requirements underpinning plan formulation? Government could direct CRIs to make evidence available to Councils? • Councils would appreciate a very clear cascade of national direction priorities, and which directions have priority over others where there is inconsistency between directions. • How do we enable iwi involvement and, in some cases established co-governance, in the very tight timeframes for NPS-FM implementation? • Encourage direct engagement between central government and each regional council to determine what central support is needed to meet implementation deadlines.
A Water Commission – longer term	Do not support LOW • Little detail provided and questions about how this fits with existing institutions and roles and responsibilities. • Utilise OAG and PCE - specific roles re audit/oversight of councils. • A future Water Commission could play a role in establishing data systems, harvesting and reporting data nationally.

2019 – B – 05474 Essential Freshwater 42: Seeking agreement to national direction

Proposal	Regional Sector Water Subgroup position
Requirements to maintain or improve water quality in the NPSFM • Require regional plans to set specific, measurable and time-bound FW objectives to maintain WQ at its current state • Define existing FW quality • Set clear reporting requirements • Delete "overall" from Objective A2	Support clarifying "maintain water quality" but proposals may further confuse rather than clarify HIGH • A range of statistical issues arise through setting current state as a fixed number (less of an issue if movement within a band is allowed). Monitoring and accounting must still be relative to specified monitoring locations.

	• This policy highlights there is no contaminant “headroom” anywhere for any attribute; agree this is important for ‘holding the line’, but is likely to have significant consequences (e.g. increased costs for and controls on urban greenfield developments). • These proposals (along with others) point to the need for a reconsideration of the reporting framework; a separate policy proposal and assessment is needed. • Focus is on where we are now and where we’ve been, but doesn’t consider future projections (need robust information on land use change to understand where we are heading for WQ). • Need to consider impacts of climate change on “maintain and improve.” • Science investment could assist with standardisation of what is meant by “maintain and improve.”
Policy direction on setting limits in the NPSFM • Amend the NPSFM to include policies specifying what a limit seeks to achieve and the types of resource use that may be captured by limit setting • Clarify policy intent through additional direction on limit setting • Additional direction to progress limit setting in the face of uncertainty: - Continued investment in science and information - More substantive reforms of the RMA to address systemic issues that create opportunities for excessive debate and litigation - Restricting resource use at a national level	Many matters require resolution before support can be given HIGH • While there is uncertainty about NPSFM requirements for limit setting, some of the proposals are unworkable/do not clarify. • Agree with the need to progress limit setting promptly and in principle agree with central government support to progress in the face of uncertainty. • Agree a limit should be a restriction on resource use - not an instream measure • Experience shows us that the science and technical uncertainties are often front and centre in hearings and court processes as, by their nature, greater uncertainty creates space for a wider range of interpretation as to what policy settings are appropriate. • Support providing additional direction. In addition, policy to strengthen a precautionary approach is appropriate
Restructuring the NPSFM • Move substantive policy direction from definitions into the relevant parts of the NPSFM • Restructure existing parts, objectives and policies	Support proposals in principle to improve clarity HIGH • Any redrafting and restructure will inevitably lead to a new round of reinterpretation and potential litigation for plan-making processes already in progress.
Implementation requirements in Part E of the NPSFM • Remove the ability to implement the NPSFM by 2030	Support the new streamlined planning proposal in principle HIGH • Note that councils that have used the streamlined process have still found timeframes challenging • Urge policy makers to consider the experience of councils which have had the benefit of streamlined processes (Environment Canterbury, Auckland, Christchurch City) • To achieve implementation by 2025, faster notification (by 2023) will require some trade-off in specificity, quality/durability, tangata whenua involvement, community engagement, data collection, or evaluation. • This appears to represent a significant shift in government’s public participation and catchment scale planning expectations.
Remove redundant term “minimum acceptable state” in the NPSFM • Remove references to ‘minimum acceptable state’	Support in principle HIGH • But note that councils may still use this reference
Providing for renewable electricity generation in the NPSFM • Delete Appendix 3 and amend Policy CA3 to rely on council decision making • The 6 big hydro dams are proposed to be listed in Appendix 3	Do not support exemptions for renewable electricity generation - national significance should not remove responsibility to mitigate effects LOW • Support the deletion of Appendix 3. Offset mitigation (rather than exceptions) should be provided for nationally or regionally significant infrastructure where assessment shows that national bottom lines cannot practicably be met. • The approach should provide for other nationally significant infrastructure (e.g. flood protection schemes, major roading networks). • In these instances, and like renewable electricity, offset mitigation may be the only practicable option • Will there be a process to add other infrastructure to Appendix 3?
Amending the 2010 water measurement regulations to mandate real-time reporting of water use • Make real-time electronic reporting of water takes mandatory	Support in principle, noting it will achieve improved accounting and compliance data: MEDIUM • Significant costs for users and councils (data capture) - coordinate/standardise efforts across councils • Exceptions will be necessary, e.g., where technology is not practically available in the location (issues with cellular networks), where the take is very irregular, small volume, or temporary/for a very short time.

2019 – B – 05475 Essential Freshwater: Seeking agreement to national direction proposals

Proposal	Regional Sector Water Subgroup position
Measures to prevent instream loss - Restrict piping, infilling and permanent diversion of rivers (NES) - Amend NPSFM to introduce policy direction on the circumstances where to councils should: - require offsetting where it cannot be avoided, remedied or mitigated and compensation - grant a resource consent to pipe/reclaim a river bed or permanently divert a river, causing permanent loss of habitat (using s 55 RMA) - collate and report on information on resource consents on gains and losses in river habitat	Support in principle but clarification is needed on a number of matters HIGH - Clarify whether proposal specifically relates to urban development, or to the piping or reclamation of any river, or stream (permanent and intermittent?). - Clarify the rationale for using 20m as an activity status threshold for “significant loss of habitat”. - Clarify whether diversion which realigns but reinstates stream habitat would be captured by this regulation. - Policy frameworks on this matter in 2nd generation regional plans should be reviewed and considered.
Value description of Ecosystem Health in the NPSFM - Amend the description of the ecosystem health value in the NPSFM, to include all aspects that need to be managed to clarify that: - the 5 components must all be managed – aquatic life, water quality, water quantity, habitat, ecological processes - the ecosystem needs to be managed in a way that is appropriate for the ecosystem type - a healthy ecosystem is one that is appropriate to that type of FW body, when it is in a minimally disturbed condition - councils need to account for a wide range of stressors and pressures that affect ecosystem health	Supports amending the definition of ecosystem health to clearly include five aspects, noting: HIGH - Support the measuring/reporting on current ecosystem health relative to a “minimally disturbed condition”. - Do not support the definition of ecosystem health where a freshwater ecosystem can only be healthy when it is in a minimally disturbed condition. - Do not support setting objectives to achieve minimally disturbed conditions everywhere – unrealistic expectation. Need to develop advice around generally acceptable/achievable levels of ecological health for rural and urban catchments. - Need to look at RMA purpose (s.5(2)(b)) and reconsider removing “safeguarding life supporting capacity of water and ecosystems” from the NPS.
Reporting on Ecosystem Health in the NPSFM - Build on existing reporting requirements in the NPSFM, as they relate to ecosystem health - Report against all five components of ecosystem health (aquatic life, water quality, water quantity, habitat, ecological processes) - Produce annual summary report cards, including performance against all components of ecosystem health - Produce a synthesis report integrating the five components of ecosystem health as a single ecosystem health score at intervals < 5 yearly	The stated problem is acknowledged but there are issues to resolve: MEDIUM - More work is required on a national reporting framework because of the new reporting requirements proposed through this policy and the wider package; consider role of EMaR and LAWA. - If the purpose is to address ecosystem health more comprehensively when implementing the NPSFM, address this through objectives and policies and seeking monitoring plans in the NPSFM, rather than prescribing methods that are not sufficiently advanced/road tested. - General direction for council to report on all five components, including reporting that no data is available is appropriate. - If central government is seeking a national overview Para 25(b) and (c), further work is required to confirm attributes and what is to be monitored and reported. These provisions are not considered appropriate at this time.
Wetlands - Amend the NPSFM to include national direction on avoiding wetland loss and degradation - Introduce an NESFM to restrict specific activities contributing to wetland loss and degradation with exceptions for nationally significant infrastructure, renewable energy and restoration activities	Support for including a clear objective protecting wetlands from loss and degradation. HIGH - Directive policies on avoiding loss of wetlands, and for managing activities to avoid effects on functions, values or quality of natural wetlands are supported. - Clear provisions for the circumstances in which remedying or mitigating adverse effects may be considered are necessary, either nationally or within regional plans. - There are a number of challenges that need to be addressed in the development of any regulatory tool and ensuring compliance with the tool (e.g. defining and mapping, monitoring and enforcement criteria).
Proactive catchment planning - Require councils to undertake long term spatial catchment planning across the region before setting Freshwater Management Units. Spatial identification required of: - Areas that are significant for ecosystem health, human health for recreation and other identified values, fish spawning areas, significant habitats of indigenous and exotic species, DW source protection areas, sites of cultural significance - Areas where ecosystem health is degraded/at significant risk - Areas where restoration of water bodies/changes in land use are desirable - Direct local authorities to establish objectives and policies in regional and district plans to: - Provide appropriate protection to the areas - Provide appropriate limits on activities described - Promote restoration of water bodies and changes in land use	We do not support this proposal in its current form LOW - This proposal comes as a surprise. - Implementation will be extremely difficult because it is not part of the initial framework of the NPSFM. - This requirement will necessitate a whole new planning process and be very process oriented. - NPSFM implementation could not be progressed until this new spatial planning process is complete. - Central government should clarify priorities and what realistically they expect to be delivered by 2023, and what nationally important matters will be addressed by this proposal. - We consider the intent of this proposal is already captured in the NPSFM objective-setting process (i.e. define spatial units, define their relevant values and uses, define objectives, set limits).

Policy direction on setting freshwater objectives and limits for flows and levels in the NPSFM Amend NPSFM to specify what must be included in freshwater objectives for water quantity and specify what minimum flows and allocation limits must achieve in relation to ecological health	The recommended changes are not supported as they are not considered necessary. LOW - Generally, it is understood that Councils are still in the process of implementing the NPSFM and that includes: - setting minimum flows for at least ecological values, using habitat retention curves for certain species; - setting allocation limits, taking into consideration the effects on flow variability; - considering the relationship between surface and groundwater water; - There are genuine limitations to what more Councils can achieve at present given current data, data gaps, modelling, time and costs etc.
Monitoring and responding to declining fish health Amend the NPSFM to require councils to: - monitor fish health in wadeable rivers (as a minimum), using measures of diversity and relative abundance. - assess possible degradation relative to a minimally disturbed reference state, and publically report (as per the proposed direction on ecosystem health reporting). - prepare and implement action plans when monitoring indicates fish health is in a poor state, or is declining.	The subgroup does not support this proposal at this time, while acknowledging that fish diversity and abundance is generally not well monitored or understood. MEDIUM - We do not have sufficient evidence to consider the fish IBI as suitable for use as an attribute in national direction now. - Consider less prescription. Instead establish intent through objectives and policies, and strengthen general direction to monitor and report. - Consider redirecting science investment towards this with a view to preparing more comprehensive national or regional plan provisions in the future.
Include a threatened species value in the NPSFM Amend the NPSFM to include a new national value for threatened species	Support the specific recognition of habitats of threatened or declining species LOW Note there are substantial tensions to resolve between needs of these species, introduced sports fisheries and water use values.
Wider application of the dissolved oxygen attribute in the NPSFM Apply the existing dissolved oxygen attribute and national bottom line to all fresh water (not just below point sources)	This proposal is supported in principle, however there are a number of matters to resolve: MEDIUM - These policies create a monitoring requirement that comes with a cost burden for councils. - DO monitoring is probably not necessary in all water bodies or FMUs, and should be carefully targeted. - Baseline information for DO in natural lowland systems is sparse - concern that DO attribute designed for some stream/river types and associated species will be inappropriate/unachievable in lowland systems. - Perhaps more appropriate as a multistressor indicator to be monitored (similar to MCI) vs an attribute. - Current science gap linking management actions to DO improvements - in limit-setting context.
Managing sediment in the NPSFM - Introduce a suspended sediment attribute - Introduce a requirement to monitor deposited sediment and develop action plans to respond to declining trends or low indicator scores	In principle, the subgroup supports active recognition of sediment attributes in the NPSFM. HIGH - Appropriately target monitoring requirements as they will increase cost burden for some regional councils. - The classification system - 12 classes seems very complicated. - Strengthen policy direction to monitor, report on, and manage sediment, but be less prescriptive about methods. - Support applying a monitoring plan requirement for deposited sediment similar to that for MCI. - Question the use of turbidity vs clarity, or direct measures (e.g., TSS).
Policy direction on fish passage in the NPSFM - Require councils to include ecological objectives for diversity and abundance of fish in an FMU, catchment or sub-catchment - Require new structures to achieve ecological objectives for fish, and meet minimum design standards. - Require councils to maintain records of structures and prioritise mitigation	These proposals are supported in principle, subject to reviewing the detail. MEDIUM - There is a high implementation cost burden. - Consider that, in some cases enabling fish passage may increase risk of spreading sports fish and pest fish that can have adverse effects on native populations.
Direction to territorial authorities to support integrated management Add policies to the NPSFM clarifying that Territorial Authorities have responsibility to for contributing to the integrated management of freshwater and the use and development of land.	Support in principle HIGH - Agree there is potential to improve urban freshwater outcomes by ensuring they are appropriately provided for through district planning processes for new urban development and redevelopment of land - May require changes to the RMA and NPSFM - needs to carefully integrate and not duplicate regional and district functions and plans.
Dissolved Inorganic Nitrogen (DIN) and Dissolved Reactive Phosphorus (DRP) attributes - Nutrient attributes to enable better management of the Ecosystem Health value - A table for nutrients for ecosystem health - Proposed DIN and DRP attributes will apply to all rivers	Strongly oppose the proposals as they stand LOW - There is concern the weight of evidence to support the proposals is not robust - Most intensively farmed areas of Waikato, Taranaki, Canterbury and Southland will fall in the D band for DIN and large areas of the North Island, Canterbury, Otago and Southland will fall into D band for DRP

	• Significant reductions in DIN and DRP will be required to lift waterways out of D band (as required by NPS-FM). This would be worthwhile if we had confidence that Ecosystem Health will improve as a result of nutrient reductions (all else being equal), but we don't. • The fundamental premise of the proposals is there is a direct and causative link between nutrient levels and macroinvertebrate communities (i.e reductions in N & P will result in predictable improvements in indicators such as the Macroinvertebrate Community Index). • There is a significant body of research in New Zealand that has identified drivers of Ecosystem Health. This body of research does not support the premise of the proposals. • Environmental drivers of macroinvertebrate communities are complex. Robust predictive models do exist in several regions (e.g. Waikato, Horizons) and these tend to identify flow, habitat and sediment as the key drivers. In most cases, nutrients are of secondary importance for macroinvertebrate measures of Ecosystem Health, (but are more important for periphyton). • An alternative approach that is more scientifically defensible is to use the existing N-toxicity and periphyton attributes to establish more stringent levels of Ecosystem Health protection. The note beneath the Periphyton attribute table (NPSFM, Page 34) sets appropriate direction for regional councils about setting DIN and DRP exceedance criteria. However, it is inappropriately placed in the NPSFM as a policy direction. • Support the approach given in guidance in the NPSFM for periphyton. Also support regional councils developing nutrient criteria for achieving periphyton attribute states. Concern that proposing an attribute relating to specific N&P for periphyton may drive a national set of numbers. Research shows that regional models are more robust than a national model.
Higher water quality for swimming, taking into account seasonal differences • Add a new E. coli attribute table using the Excellent, Good and Fair bands from the 2003 Microbial Water quality Guidelines as the A, B and C bands. • Apply these new requirements at Primary Contact Sites during bathing season, i.e., a higher standard in places where people swim. • Retain current E. coli attribute table as well and apply this to all other lakes and rivers throughout the year. • Retain requirement to improve water quality everywhere in terms of E. coli.	Support the proposal HIGH Agree the “bar will be higher in places where people swim” and that summer bathing water quality monitoring at popular bathing sites is appropriate. • From a communications perspective, having two attribute tables for <i>E. coli</i> is going to be confusing. Due consideration should be given to making the system less confusing for the general public. • Reviewing the 2003 guidelines should be brought forward and ideally done first (prior to amendments to the NPSFM), given the E. coli attribute tables are based on these guidelines, and implementation will have costs. • This work is critical as technology, data and knowledge have improved significantly since the original microbiological water quality guidelines were created, bringing the reliability of the guidelines into question. • Request amendment to part (a) of the the definition of primary contact site, to enable councils to determine which locations they monitor in a specified river or lake (particularly necessary where there are many swimming spots on specified river or lake).
Nitrogen allocation discussion document General principles: • Principles are set ought to be used to guide decision-making about design of an effective nitrogen allocation system • Discussion document discusses prerequisites and transition requirements for an effective allocation system. • Discussion document accepts that changing the freshwater allocation system so that it can better take into account the cumulative impact of activities will take time. The transition from where we are now to a new approach needs to be well managed to ensure it is fair • Government will need to work with regional councils, sector groups and training providers to ensure that capacity and capability are built.	Support in principle for a Nutrient Allocation System TBD • In principle we support a Nutrient Allocation System/framework as part of a package of initiatives for improving management of NZ's freshwater resources. This could streamline one of the the most difficult aspects of nitrogen management and reduction. • We consider it is essential that Māori rights and interests in freshwater are accommodated and resolved by the Crown before rolling-out a Nutrient Allocation System. • A policy intervention as significant as this must have a robust underlying rationale. At present there are several unsubstantiated and challengeable statements in the document, particularly relating to “fairness”, “equity” and “efficiency”. Concern that particular predispositions appear to dominate and may be interfering with objective analysis.

• Government considers that within a catchment there would also be different levels of obligation depending on the risk of the land use • Nutrient Allocation System needs to allow land users to adapt and adjust to variety of changing circumstances and allow entry of new users in an equitable way. • Discussion document clearly does not prefer grandparenting – the term grandparenting is defined as allocating based on existing land use and leaching rates, but requires good management practice.	• Support the concept of a set of principles to guide the design of an effective nitrogen allocation system - further work is required to actually guide core issue at hand: the basis for allocation of the scarce resource within any nitrogen limit that has been set. • There are numerous implications for regional councils and we will be looking to have a focused discussion soon on the proposal and provide detailed feedback
---	--

Released under the Official Information Act 1982

Who's
putting local
issues on
the national
agenda?

**We are.
LGNZ.**
Te Kāhui Kaunihera o Aotearoa.

26 April 2019

Hon David Parker
Minister for the Environment
Private Bag 18888
Parliament Buildings
Wellington 6160

Dear Minister,

Essential Freshwater – Regional Sector Water Sub Group response

The Regional Sector Water Sub Group (on behalf of LGNZ's Regional Sector) is pleased to provide you with advice on the policy proposals that have been shared with us. We have prepared a more substantive document that will be provided to officials in coming days, in support of our summary document (**attached**). We have had limited time to consider the package and we have not sought feedback from the wider Regional Sector so at some date in the future we may need to refine our advice. In addition, our comments are made in the absence of the full set of policy proposals and are therefore limited to:

- Decisions on national direction for rural land use;
- Assisting councils to implement the NPSFM;
- Seeking agreement to national direction proposals #1; and
- Seeking agreement to national direction proposals #2.

The Regional Sector Water Sub Group supports central government's policy intent/objectives to reduce the risk of further water quality and ecosystem degradation in the time it takes to fully implement the NPSFM.

The details of the regulations are very important and we have identified many of the specific matters that require attention and resolution. The Regional Sector wants to be involved in shaping the detail and is happy to work with officials on how our resource can best be utilised.

Set priorities and provide science support

We note that the policy proposals go beyond supporting the implementation of the existing NPSFM and considerably expand its scope. The expanded scope has very real implications for meeting timeframes, even with a new truncated plan making process. We urge you to fully consider government priorities, given that implementation of the proposed regulations will require substantial resourcing, and the on-ground actions will have significant costs across the country.

We accept that some step change is required and some costs are inevitable in order to achieve the policy objectives of halting the decline in freshwater and seeking demonstrable improvements in water quality in five years.

As we have considered the proposals we have identified there will need to be a significant upscaling of catchment-based knowledge to support the Government's freshwater policy agenda. We consider that New Zealand has a strong land-water science capability, but we would like to see greater emphasis on rapid translation of our collective knowledge into tools to support regional councils. Investment in the science to enable robust assessment of ecosystem health is one critical area, as is the development of tools for catchment accounting that enables stronger links to be made between changing land use and freshwater outcomes.

There is an opportunity to direct more of the current national science investment to support the intent of the proposed packages. This could include redirecting national science to the science needed to prepare for plan making and presenting technical evidence to hearings to speed up plan making processes and investing in further applied science. The current national science system does not seem to favour investment in the key water management questions, such as up-to-date mapping of landuse, developing tools for catchment accounting, and improving our understanding of links between actions on the land and outcomes in waterways.

Rural package

The "rural package" is a potential game changer. We acknowledge it will be a challenge to deliver because of the capacity and capability required across the different parts of the system. Many of the proposals require detailed farm scale information and some regional councils have this for some catchments but it is not universal. We encourage you to consider whether an NES could require this information to be provided by landowners, with urgency, so that regional councils have access to it to enable specific proposals such as the N-cap and High Risk Land Use Area, as well as catchment accounting and improved State of Environment (SoE) reporting.

Implementation of the NPSFM

The Regional Sector supports in principle the new plan making process. We have long identified the time taken to resolve appeals to the Environment Court as a problem and the proposed process addresses this to some extent.

Our collective experience, however, shows that it is the pre-notification process that is increasingly complex and time-consuming. The science is complex and working with stakeholders and the community before notification takes considerable time and resource. Iwi engagement in the process is fundamental and should not be curtailed.

When this is taken together with some fundamental changes to the NPSFM (which will require a reconsideration of plan changes and new plan changes), the proposed changes to timeframes are likely to be unrealistic.

NPSFM changes

There are some very substantive changes proposed and we see this presents a significant risk to getting plans operative. We urge some consideration of priorities. Some of the changes are presented as relatively minor but they are in fact significant and they present scope for reinterpretation and potentially reworking current planning processes.

A number of new attributes are proposed, for example relating to ecosystem health and reporting on

ecosystem health. In some cases the attributes proposed are not supported by available science and/or are not fully agreed to. We would like to see a strengthening of the intent of objectives and policies rather than prescribing methodology where we have a knowledge deficit. Assessment of national science priorities to potentially address these knowledge gaps can also assist closing these gaps.

The changes to the NPSFM and the new National Environmental Standards will require more monitoring of attributes as part of catchment-based accounting. These changes point to the need to reconsider the framework for environmental reporting and we encourage you to do this, supported by better science and a redirection of our national science budget.

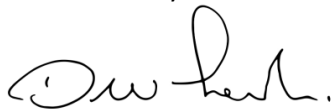
Concluding comments

Overall, we urge the Government to prioritise effort to target where change is needed and can be achieved, taking into account the capacity of the key agencies to respond. Priorities should also be set based on return on investment. We would like to work with you to agree priorities, focused on what can be delivered well.

We have work underway, currently focused on one region, to determine the capacity and capability needed to deliver the Essential Freshwater proposals. We will share this with you when the work is completed.

I would like to meet with you to discuss this letter, with some of my colleagues.

Yours sincerely



Doug Leeder
Chair, LGNZ Regional Sector

4 May 2018

Hon David Parker
Minister for the Environment
Parliament Buildings
WELLINGTON

E: d.parker@ministers.govt.nz

Dear Minister

Regional council/unitary authority advice on Water Policy implementation

When you met with LGNZ's Regional Sector in February this year you asked for the Sector's thoughts on how regional councils might make more rapid and more effective progress in tackling New Zealand's water quality and quantity challenges. I write in response on behalf of the Regional Sector.

Since we met, the Sector has undertaken work on this question and intends to set out current thinking in some depth in a letter to the Secretary for the Environment. That should be available within a few weeks. We have also uncovered a range of matters that warrant deeper thinking and we are considering commissioning a "think piece" report to explore these issues and options further.

In the meantime, we thought it would be useful to set out our preliminary thinking on both short-term and medium-term initiatives that would both expedite implementation of the National Policy Statement for Freshwater Management (NPS-FM) and improve the effectiveness of regional councils' water management interventions more generally. That is the purpose of this letter. We would welcome a meeting with you to expand on ideas raised in this letter.

Before we set out our preliminary ideas it might be helpful if we shared with you our understanding of the context within which we undertake our core business in the front line of New Zealand's effort to improve water outcomes.

Water management is a challenging business and displays all the classic traits of a "wicked" problem. The concepts of water quantity and water quality are complex and there are real challenges in interpreting and communicating data in a way that people can understand but which also gives a fair and accurate account of what is happening. These issues do not lend themselves to sound bite analysis but that is too often how we are judged. In fact, we find that there are multiple threats to water. We often do not have all the tools available to manage some, or all, of those threats effectively. There is a diverse range of legitimate values and interests at stake. Real progress can be challenging since we are often dealing with legacy issues and managing contemporary behaviours, although critical, is only part of a bigger picture. We are also constantly mindful of the relationship between land use and social and economic well-being and the tension that inevitably arises.

Our collective experience is that in thinking about any reform programme there is a need to be mindful of a few key principles:

- The need for *flexibility* in how regional councils respond to issues which will be different between and within regions in terms of their severity, in their underlying cause and in the appropriate response. One size does not fit all;
- Because of the above we very often need *place-based solutions* to problems;
- Genuinely durable responses require *community buy-in*;
- In designing appropriate responses at the regional and catchment scale we need *every tool on the table*;
- Because nothing stays the same and our knowledge improves over time we need *agility* in our ability to respond; and
- *Stability in policy settings* enables regions to get on with implementation. Constantly moving goals posts has the opposite effect.

With those overarching principles in mind, our preliminary view is that the nine matters listed below need attention. In terms of priority and the scale and immediacy of return on effort we would suggest that the first four matters listed should be prioritised.

1. Improving plan agility

Regional plans need to be able to be developed and made operative in timeframes that respond to the urgency and relevancy of the issues. Too often plans are caught up in very lengthy hearings and appeals processes that mean they can be out of date before that are operative. This long-standing problem will be compounded by the need for most regional plans under the NPS-FM to be rolled out with a series of sub-regional plan changes introducing catchment¹-specific limits in the period extending to 2025.

At least part of the solution is to adopt a plan making process nationwide that *removes de novo Environment Court appeals*. There is obvious recent precedent for this approach in Canterbury and in Auckland. We believe that such a decision-making model will at least halve the time required to make regional plans operative.

2. Retaining quality decision-makers

Regional and unitary councils have long supported representative decision-making within a democratic system of regional governance. That support continues. However, we are also conscious that regional land and water plans require specialist knowledge and experience to be brought to bear. Water plans and associated science and modelling is complex. We think decision-making (at all levels) has, at times, suffered (both in terms of the length of hearings and the quality of decisions) from inadequate expertise in decision-making fora. There is currently a very small pool of experienced water management decision-makers.

A solution is for central government to assist in building capacity in this field and in establishing a pool of specialist *water commissioners* who can be deployed around the country bringing greater consistency and efficiency to decision-making. We would see these specialist commissioners as having demonstrated a level of technical proficiency, possibly through an add-on to the existing Making Good Decisions hearing commissioner certification programme.

¹ These relate sub-regional areas as defined by regional councils. They may be catchment or Freshwater Management Unit (FMU) in scale

These specialist commissioners would sit with locally appointed commissioners at the discretion of regional and unitary councils. If de novo appeals are dispensed with, we accept that such hearings panels may need to be chaired by current or former Environment Court judges.

3. Improving certainty in the policy environment

Despite the NPS-FM (and in part because of it), considerable uncertainty remains about what regional councils need to deliver and how they are to do that. Some provisions are simply ambiguous². Furthermore, NPS-FM amendments continue even before regional councils have completed implementation of the initial obligations.

This uncertainty contributes to longer and more fraught decision-making processes than necessary. Uncertainty breeds debate and debate breeds delay. In addition, continuing amendment to the NPSFM necessitates that councils invest in costly amendments to plans at the expense of implementation of those plans (and progressing non-statutory measures).

Regional and unitary councils consider that the NPS-FM includes a sufficiently ambitious shift in practice that it should be allowed to bed in without further substantive change in the short or medium term. Any further short-term amendments should be limited to clarifying the appropriate implementation of existing provisions.

4. Achieving confidence in models

Models are increasingly important tools for informing water management. They are, however, both complex to understand and largely un-managed in the sense that there is no formal, recognised system of verifying the validity of models. As a result, decision-makers in regional plan hearings (and on appeal) can be faced with difficult decisions about whether particular models (as advanced by submitters) should be used and, if so, with what conditions and caveats. That is a big ask for decision-makers that are seldom equipped to make those decisions.

One solution is to institute a *formal model approval process* that ensures that models are based on broadly accepted principles and relationships and have been through appropriate development process (including peer-review, calibration and validation and levels of uncertainty established and clearly documented) and are approved for use in particular contexts (included regulatory contexts). We understand that this would be consistent with practice in other jurisdictions.

We would stress here that model calibration will often need to be specific to the local place or situation in which a model is to be used. Hence, formal approval of a model will need to consider these localised factors and may require local calibration.

5. Making regional plan regulation more effective

As discussed above, getting regional plan regulation in place can be an exhaustive process. We need to ensure that once in place, regulation is as effective as it was designed to be. That does not always occur because of the protection afforded by the Act for those seeking to (lawfully) defeat, or at least delay, the effect of regulation.

² We will itemise these in our letter to the Secretary for the Environment.

That can happen because of:

- The inability of new plan rules to affect existing consents and the difficulties associated with reviewing those existing consents (relating to cost, time, equity of treatment across consent holders and limits on the extent to which existing consents may be altered); and
- The ability to seek a certificate of compliance (CoC) for an activity that is lawful but not existing before a new regional plan is notified (thereby allowing an activity to establish notwithstanding that the proposed plan seeks to restrict it). This “loophole” was recently highlighted in the Waikato Region where a CoC allowed for the actual and potential intensification of land use that a subsequent plan change specifically sort to halt.

The solution requires legislative change. We also note that enforcement of plan provisions can be challenging and the effectiveness of enforcement action (where there is not formal prosecution) questionable. Accordingly, regional and unitary councils would support a review of enforcement tools.

These are matters we will raise in more detail with the Ministry for the Environment.

6. Broadening the tool box to address legacy issues

It is well-accepted that the solution to many water quality problems lies not simply with limiting damaging activities or behaviours but with pro-active interventions that address pervasive environmental risks – caused, in many instances, by what we can now see and very poor decisions by past generations. Addressing these legacy, both urban and rural, issues at genuine scale cannot be achieved by regulatory means alone and is beyond the ability of individual regional and unitary councils with current funding models – except over very long timeframes.

One solution, acknowledging the Crown’s existing programmes, is a dedicated *water outcomes improvement fund* that accelerates on-the-ground works that improve water outcomes. Regional and unitary councils would be able to access this fund by way of partnership funding for the purpose of co-ordinating large-scale works for priority water bodies. Other parties (including individuals) could also access the fund provided the scale of the projects meet criteria and/or the project is part of an approved regional council water quality improvement plan.

7. Prioritising effort and expenditure

A closely related challenge is the need for greater certainty over where to afford priority. This issue is most obviously raised in the context of providing financial support and in the deployment of other non-regulatory measures but ensuring regulatory responses are underpinned by rigorous and consistent strategic analysis is equally important.

New Zealand has almost 200,000 km of rivers and streams consisting of at least 70 major rivers (with hundreds of tributaries), many thousands of streams (and more than 770 lakes). There is currently no regional or national prioritisation system that marshals resources and effort toward the greatest national and regional benefit.

Regional and unitary councils would support the development of a multi-variant water body classification system that helps guide how priorities are established at the regional scale. Importantly, this would need to consider both potential benefits and costs (ie why is the best values to be gained from the available investment³)

8. Capacity and capability for effective regional plan implementation

Regional plans will only ever be as effective as regional and unitary councils' ability to implement them "on-the-ground. The NPS-FM is driving a new generation of regional plans that require many more, and more complex, consents with subordinate obligations in terms of farm environment plans and nutrient budgeting (which might also be required on a vast number of permitted activities). All of this needs to be supported in various ways and compliance monitored by regional and unitary councils. A wide range of capability and capacity issues arise.

Despite this reality, the issues and challenges around regional plan implementation and the issues have received scant attention by central government agencies. We consider that much more systematic consideration of plan implementation needs should be undertaken.

One we would draw particular attention to is the need for regional councils to be able to charge for compliance monitoring of permitted activities.

9. Co-ordination with other central government policies

Finally, there is an obvious need to ensure alignment between government's wider policy initiatives and our joint water management objectives. In particular, we see both opportunities and threats in the incentives created by both the emissions trading scheme (ETS) and initiatives such as the Hill Country Erosion Programme, the Afforestation Grants Scheme and the new Billion Tree Programme. It is important that the water co-benefits (and potential perverse impacts) of these policy initiatives be front and centre of future policy-making.

However, the impact of government policy decisions on water outcomes is much broader than just those specific initiatives. Treaty settlements and government decisions made about housing, transport and other infrastructure, for example, can have both direct and strategic implications (both positive and negative) for water outcomes in both urban and rural settings.

We believe that this needs to be acknowledged and factored into decision-making.

³ These types of decision-making tools are available to assist management of other issues – in biodiversity for example – but not currently for freshwater management.

A final word

Finally, and as indicated earlier, we would welcome the opportunity to discuss these issues with you at your convenience. As noted above, we have undertaken more detailed work in some areas and are looking to build further on that work. We intend to share what we have done with the Secretary for the Environment in the near future.

More generally, we believe that the Regional Sector has a considerable amount to contribute to the wider water management discussion at both technical and policy levels. We would welcome further developing the relationship between regional and unitary councils and government agencies with a role in water with a view to adding the value of hands-on-experience and front line thinking to national policy development in this area.

We will contact your office in the near future to see when a meeting might be possible.

Yours sincerely



Doug Leeder
Chair, Regional Sector
Local Government New Zealand

Released under the Official Information Act 1982

MfE-identified issues and problem statements

For integration group as at 14 June 2019

1. Te Mana o te Wai in the Freshwater NPS

Officials and Te Kāhui Wai Māori are continuing to develop advice to Ministers on this issue.

We have heard that regional councils are uncertain regarding what is expected for Te Mana o te Wai in freshwater management. Some councils have raised that the role of Te Mana o te Wai and how it relates to, or adds to, other requirements in the Freshwater NPS is unclear. There are many benefits that Te Mana o te Wai could bring to freshwater management, in particular as a framework that prioritises the water. However these benefits were not explored in the last amendments. There is an opportunity to strengthen the role of Te Mana o te Wai in the Freshwater NPS to direct an approach that prioritises the water.

2. Mandatory Māori measures of freshwater health in the freshwater NPS

Officials and Te Kāhui Wai Māori are continuing to develop advice to Ministers on this issue.

Overall Māori values and measures for freshwater system health and mātauranga Māori are not always adequately reflected or incorporated by councils into New Zealand's freshwater management, planning or decision-making processes. It is difficult for Māori to engage in a predominantly western derived system, as this often does not align with freshwater management. As such, hapū and iwi involvement in freshwater management and regional planning is highly variable.

3. New Schedule 1 planning process for implementing the Freshwater NPS

Recent reporting from councils to the Ministry for the Environment (MfE) shows that the majority of councils are unlikely to meet the primary deadline of fully implementing the 2017 version by 2025 and are likely to take until 2030 or later (the deadline can currently be extended to 2030 in certain circumstances). These delays place our rivers, lakes and aquifers at risk of continued long-term degradation. The reasons for delay are varied but include slow RMA plan-making processes.

4. Recognising all components of ecosystem health

Freshwater ecosystems are not being adequately recognised and safeguarded. To date, national direction and local authority freshwater management effort has tended to be focussed on the aspects of water quality and quantity. But ecosystem health has three more aspects – physical habitat, the presence (or absence) of aquatic life, and the interaction between all these components. All five aspects are necessary for a healthy functioning ecosystem. Councils must manage all components, and specific requirements in regards to managing fish, habitat and a wider range of compulsory metrics are needed to support this.

5. Preventing further loss of streams

Habitat loss in streams and rivers happens because the cumulative effect on aquatic ecosystems of multiple instances of piping or reclaiming stream or river beds is not adequately recognised. The ecology of rivers and streams (particularly small contributing waters) is under-valued when compared to the economic value of maximising profits from developments and transporting runoff

from rainfall as quickly as possible. Effects of piping or infilling a stream are often not adequately offset or compensated for by common approaches, such as riparian planting, in another location.

6. Directing clearer ecological outcomes for river flows and water levels

Regional plans often have no clear connection between the flow or water level where abstractions are restricted or must stop, and the ecological or environmental outcome those restrictions are intending to achieve. This means councils have no measurable outcome against which to test whether or not the limits they set are effective. This problem becomes critical in areas with over-allocated water resources, and in areas where the effects of climate change are increasing pressure on increasingly scarcer water resources.

Some minimum flow regimes do not adequately recognise connections between water bodies, including between surface water and groundwater, meaning that ecosystems in parts of the catchment become stressed.

Most regional plans do not require existing water permits to be reviewed to comply with new rules, meaning abstractions can continue at the rate allowed by the permit, potentially causing environmental effects that would otherwise be managed by the new rule.

7. Reporting on the five components of ecosystem health

Current reporting on ecosystem health is inadequate to inform communities and planning decisions

8. Sediment

Levels of suspended and deposited fine sediment in rivers and streams have reached ecological tipping points in many parts of New Zealand. While some of the problem is due to historical practices and management approaches, current management does not sufficiently reduce ecosystem health degradation due to sediment. Councils do not require maintenance of specific, region-wide in-stream sediment thresholds to provide for overall ecosystem health, which is a policy gap. To address this policy gap, the Ministry developed in-stream sediment thresholds for the protection of ecosystem health.

9. *E. coli* for Swimming

The levels of *E. coli* in rivers and lakes indicate that people who are in contact with the water, particularly where there is a high incidence of ingestion or inhalation of water and water vapour, have an unacceptable risk of infection or illness. This situation is getting worse in some rivers and current direction in regional plans and the NPSFM is not driving sufficient improvements.

10. Providing for Hydro-electricity Generation Infrastructure

New Zealand has ambitious targets for renewable power generation. The maintenance of New Zealand's hydropower baseload will be very important in meeting these goals (as it will operate in conjunction with increased wind – hydro is of particular strategic importance as it can complement wind generation which is unable to store its generated energy).

Some regional councils will not be able to achieve national bottom lines without potentially reducing the amount of renewable electricity produced by a hydroelectric scheme.

Exceptions are allowed for waterways affected by infrastructure listed in Appendix 3. Appendix 3 is empty, therefore no regional council is able to set a freshwater objective below a national bottom line in a water body affected by infrastructure; even if it is in the national interest for a regional council to do this.

11. The requirement to set 'limits' for water quality and quantity

We are aware through our work with councils and other practitioners that there is a significant uncertainty about the requirements for limit setting. Uncertainty is not just exhibited by council staff, this is also in evidence by some NGOs, contract planners, and commentators from the science community. While some councils have set limits for water quantity, and some contaminants, there is variability in how this has been done. This uncertainty about limit setting is leading to inconsistencies and planning inertia.

12. Maintaining or improving water quality

Currently objective A2 of the NPSFM directs that the "overall quality of fresh water within a freshwater management unit is maintained or improved..." while protecting or improving other specified matters. Policy CA2(e)(ia) provides further direction when setting freshwater objectives to maintain, requiring that they be set within the same band as existing freshwater quality. "Existing freshwater quality" is further defined as the quality of water at the time freshwater objectives are set, including future planning processes.

This means regional plans can permit freshwater quality to decline by: setting freshwater objectives that allow for declines within band ranges (which are currently defined for all compulsory attributes); and allowing water quality to decline prior to setting freshwater objectives in their regional plan. Any declines prior to setting freshwater objectives can be locked in by maintaining change from a future state that is more degraded.

Under the Freshwater NPS it is also unclear how regional councils are expected to demonstrate whether water quality has been maintained over time. This may cause debate and litigation when they review their plans.

13. Direction to Territorial Authorities to Support Integrated Management

There is a lack of integration between decision-making by regional councils (who are primarily responsible for environmental management of water) and territorial authorities (who are primarily responsible for managing the environmental effects of urban development). An outcome of this lack of integration is that city and district councils view their role in freshwater management as limited to complying with water and discharge permits, leaving the bulk of the responsibility to plan for, and manage effects on urban water with regional councils.

City and district councils are however uniquely placed to promote better integrated management, particularly in urban areas, due to their role in managing infrastructure and land use activities.

14. Wetlands

Historically the value of wetlands was not recognised, and extensive drainage of wetlands to create 'productive land' was incentivised. We are still experiencing a high rate of wetland loss in some regions. Current national policies are inadequate for inland wetlands, and consequently the strength of regional plans varies considerably between local councils. Also, lack of data and resources can make implementation of rules difficult.

15. Mandatory Farm Environment Plans

Mandatory FEPs are intended to promote the up-take of tailored actions to manage risks to water quality. Mitigating the adverse environmental effects of farming often requires location-specific responses that are tailored to farm type and where the farm is located. FEPs are intended to be an enduring tool that promotes a foundation for continuous improvement in environmental performance and helps farmers become more resilient.

16. Reducing nitrogen losses

Not all farmers are managing nitrogen efficiently, resulting in higher nitrogen leaching losses, compared with the levels that could be achieved with good practice on these farms. Farms that are at the upper end of the spectrum have an unnecessarily high impact on water quality in receiving water bodies. There is a short-term policy gap in addressing these farms until regional rules are in place that give full effect to the Freshwater NPS.

17. High risk Land Use Activities: Stock Holding Areas and Feed Lots

At a regional level, significant variation exists in defining and regulating stock-holding areas and feedlots. Stock-holding areas are a commonly used farming practice in the dairy and red meat sectors that can economically benefit farms by improving productivity, but they present a high risk to water quality if inappropriately designed and/or managed. Feedlots are much less common but involve increased risks due to holding stock for longer periods of time and at higher stocking rates approximately five are estimated.

- **Stock holding areas** can be covered or uncovered (Barns) and includes feed pads, wintering pads, standoff pads and loafing pads but excludes wool sheds, milking sheds and stock yards.
- **Feedlots** are farming system where stock are held for an extensive period of time and fed almost exclusively on feedlots.

18. Intensive Winter Grazing of Forage Crops

Grazing of forage crops during winter is an activity identified as having a high risk of contaminant loss associated with it, especially where good practice is not adopted. Not all farmers carry out good practice when undertaking this activity. The risk of contaminant loss is coupled with:

- an increase in the prevalence of this activity
- rapidly changing farm systems, especially farm grazing systems
- not all councils having developed a regulatory response that manage contamination effects from this activity
- associated lags in the development of regional plan provisions, due to the often lengthy process required to change plans.

19. Agricultural intensification

New Zealand has seen significant Agricultural intensification (ie, increased farm inputs such as stock units and fertiliser use) in recent years. This has contributed to water quality degradation and ecosystem loss. Councils are still developing objectives, limits and rules to give effect to the NPS-FM, which will ultimately address the risk of further intensification. However, further intensification may take place in the interim.

20. Updating the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 to require real-time reporting of water use

The current Regulations are relatively permissive as they only require data to be reported to councils once a year at minimum and allow a wide range of reporting methods. In practice, this reporting method varies from hand-written records being posted to the council to real-time time data being sent electronically directly to councils. This has raised fundamental issues of data quality and timeliness for regional councils as they end up with missing water-use records, suspicious looking totals (eg, exactly the same amount of water being taken every day) and tardy reporting by some users. As a result councils are often not able to use this data effectively for compliance, monitoring

and enforcement work and for the management of minimum flows in rivers and groundwater levels. Data currently collected is not of sufficient quality to provide robust national estimates of water use.

21. Stock Exclusion

Cattle, pigs and deer are attracted to water and will often wallow in water. This has adverse effects on water quality and freshwater ecosystems as stock can damage to beds and banks of streams, and deposit dung and urine directly into waterways.

Although regional councils can and do control stock access to waterways through their regional plan rules, the plan change process is slow and the rules are not uniform across the country.

DRAFT

Released under the Official Information Act 1982

From: [Adrianne Larsen](#)
To: [Cheryl Barnes](#); [Martin Workman](#); [Katherine Meerman](#); [Dewesa \(landcorp\)](#); [Andrew Parrish \(andrew.parrish@ecan.govt.nz\)](#); [Bryan Smith](#); [Chris McLay \(Chris.McLay@waikatoregion.govt.nz\)](#); [Dr Adam Canning](#); [Dr Bryce Cooper](#); [Joanne Clapcott \(cawthron.org.nz\)](#); [Gary \(EDS\)](#); [Graeme Gleeson](#); [Hon Dover Samuels \(Matua Dover\)](#); [Hugh Logan](#); [Katherine Trought \(Katherine.Trought@ecan.govt.nz\)](#); [Maia Wikaira \(Project Manager / Technical Advisor\)](#); [Millan Ruka](#); [Nicki \(Nicola\) Green \(Nicola.Green@boprc.govt.nz\)](#); [Riki Ellison](#); [Vin Smith \(Vin.Smith@es.govt.nz\)](#)
Cc: [Lucy Bolton](#); [Ella Tisdall](#); [Victoria Young](#); [Nick Vincent](#); [Matthew Cunningham](#); [Janice Rodenburg](#); [Jennifer Price](#); [Steve Rylands](#); [Nick Martelli](#); [Adrianne Larsen](#); [Allen \(Jadegarden\)](#); [Amanda \(Mandy\) Bell](#); [Bryce Johnson](#); [Corina Jordan](#); [Dr Marc Schallenberg](#); [Governance at ECAN \(for Tom Lambie\)](#); [Jessica \(John Penno EA\)](#); [John Penno](#); [Karen Stanley \(Tom Lambies" EA\)](#); [Marnie \(Choosecleanwater\)](#); [N.M Shadbolt](#); [Steph Howard](#); [Tom Lambie](#); [Traci \(thcg\)](#); [Alternate Annette Sykes / Annette Sykes Reception](#); [Alternate Tanira Kingi Email / Delwyn Murphy](#); [Annette Sykes](#); [Dr Jacinta Ruru](#); [Dr Tanira Kingi](#); [James Ataria](#); [Kingi Smiler](#); [Lyn Harrison \(Comms Manager\)](#); [Mahina-a-rangi Baker](#); [Paul Morgan](#); [Shirley Ruka](#); [Alan Livingston](#); [Andrew Robb \(werc.govt.nz\)](#); [Bill Bayfield](#); [Clare Wooding](#); [Douglas Leeder \(boprc.govt.nz\)](#); [Dr Jon Roygard](#); [Fiona McTavish \(boprc.govt.nz\)](#); [Iain Maxwell \(hbrc.govt.nz\)](#); [James Palmer \(hbrc.govt.nz\)](#); [Mike Scarsbrook \(waikatoregion.govt.nz\)](#); [Pat Dougherty](#); [Rob Phillips](#); [Vaughan Payne](#); [Dr Bev Clarkson](#); [Dr Chris Daughney](#); [Clive Howard-Williams \(niwa.co.nz\)](#); [Dr Daniel Hikuroa](#); [Dr Jenny Webster-Brown](#); [Dr Mike Joy \(vuw.ac.nz\)](#); [Graham Sevicke-Jones](#); [Ken Taylor](#); [Maria Burgess \(Jon Roygard PA\)](#); [Professor Ian Hawes](#); [Professor Russell Death](#); [Rawiri Smith](#); [Sarah Parrish \(Ken Taylor PA\)](#)
Subject: Agenda and Papers for First Meeting of EFW Integration Group
Date: Friday, 14 June 2019 4:57:27 PM
Attachments: [image001.png](#)
[1a - Essential Freshwater Integration Group Draft Agenda 17 June 2019.pdf](#)
[1b - Te Mana o te Wai 5.pdf](#)
[1c - Te Kahui Wai Maori Response to MFE Documents - 30 April 2019.pdf](#)
[1d - First report of the FWLG 26 April.pdf](#)
[1e - Letter to Ministers 31 May 19\[1\].pdf](#)
[1f - Regional Sector Water Sub-Group briefing - Essential Freshwater 22 May 2019.pdf](#)
[1g - MfE-identified issues and problem statements.pdf](#)

Tena koutou,

Please find attached the agenda and papers for the first day of the Essential Freshwater Integration Group meeting on Monday, 17 June 2019 going through to Friday, 21 June 2019.

The co-Chairs have indicated that on most days, they expect to work between **9:00am – 4:00pm**. Though this could go longer if necessary.

Meeting will be held at the Ministry for the Environment (23 Kate Sheppard Place, Wellington) Room 1C. The meeting will be in the same location for the duration of the week. Morning tea, lunch, and afternoon tea will be provided throughout the week.

Thank you all for making the time for this and we look forward to seeing you next week.

My best,

Adrianne Larsen – Project Coordinator, Freshwater

Ministry for the Environment – Manatu Mo Te Taiao

Mobile: 022 632 8755 Email: adrianne.larsen@mfe.govt.nz Website: www.mfe.govt.nz

23 Kate Sheppard Place, Thorndon, Wellington 6143

<http://intranet.mfe.govt.nz/sites/all/files/Lockup-8pt.png>

Released under the Official Information Act 1982

Out of Scope

Cheryl

Cheryl Barnes – Deputy Secretary, Water & Climate Change

Ministry for the Environment – Manatu Mo Te Taiao

Mobile: 022 068 3941 Email: cheryl.barnes@mfe.govt.nz Website: www.mfe.govt.nz

Kate Sheppard Place, Wellington

MfE_logo

From: Vaughan Payne <Vaughan.Payne@waikatoregion.govt.nz>

Sent: Sunday, 9 June 2019 7:50 PM

To: Cheryl Barnes <Cheryl.Barnes@mfe.govt.nz>; John W Penno s 6(a) ; s 6(a) ; Ken.Taylor@agresearch.co.nz

Cc: Martin Workman <martin.workman@mfe.govt.nz>; Katherine Meerman <Katherine.Meerman@mfe.govt.nz>; Lucy Bolton <Lucy.Bolton@mfe.govt.nz>; Bryan Smith <Bryan.Smith@mfe.govt.nz>; Janice Rodenburg <Janice.Rodenburg@mfe.govt.nz>

Subject: RE: Essential Freshwater Advisory Groups: Next Steps

Out of Scope

Vp

Vaughan Payne Chief Executive | Office of the Chief Executive

[WAIKATO REGIONAL COUNCIL | Te Kaunihera a Rohe o Waikato](#)

[Take a look at the work we do](#)

P: [+6478590595](tel:+6478590595)

M: +64212462314

F: facebook.com/waikatoregion

Private Bag 3038, Waikato Mail Centre, Hamilton, 3240, New Zealand

From: Cheryl Barnes <Cheryl.Barnes@mfe.govt.nz>

Sent: Sunday, 9 June 2019 3:12 PM

To: Vaughan Payne <Vaughan.Payne@waikatoregion.govt.nz>; John W Penno
<s 6(a) >; s 6(a) >; Ken.Taylor@agresearch.co.nz

Cc: Martin Workman <Martin.Workman@mfe.govt.nz>; Katherine Meerman
<Katherine.Meerman@mfe.govt.nz>; Lucy Bolton <Lucy.Bolton@mfe.govt.nz>; Bryan Smith
<Bryan.Smith@mfe.govt.nz>; Janice Rodenburg <Janice.Rodenburg@mfe.govt.nz>

Subject: RE: Essential Freshwater Advisory Groups: Next Steps

Hi again Chairs,

I wanted to advise you that I plan to attend Fieldays in Hamilton this week, and check that you are comfortable with that. In Vicky's absence, I am attending as Acting CE and will be there to listen to grassroots farmers on the full range of environmental issues and to talk to a wide range of stakeholders, such as CRIs, tech developers etc.

Out of Scope

I made a clear commitment to you this week that MfE will not discuss the Essential Freshwater package outside of the Advisory Groups until it is made public, which I take very seriously. Should water issues be raised with me while I am in Hamilton, I propose to give a clear message that I am unable to discuss at this point. I will not be raising it myself.

The only other MfE attendance at Fieldays will be 2 analysts, who will spend a day each alongside MPI at their stand. They will be briefed on what not to say too.

Please let me know if you, on behalf of your advisory groups, have any concerns about this approach.

Nga mihi
Cheryl

Cheryl Barnes, Deputy Secretary, Water & Climate Change

Ministry for the Environment – Manatu Mo Te Taiao

Mobile: 022 068 3941 Email: cheryl.barnes@mfe.govt.nz Website: www.mfe.govt.nz

No.3 The Terrace, PO Box 10362, Wellington 6143

MfE_logo



From: Cheryl Barnes

Sent: Friday, 7 June 2019 4:07 p.m.

To: Vaughan Payne; [s 6\(a\)](#); riki@wakataurua.co.nz; [s 6\(a\)](#); Ken.Taylor@agresearch.co.nz

Cc: Martin Workman <martin.workman@mfe.govt.nz>; Katherine Meerman <Katherine.Meerman@mfe.govt.nz>; Lucy Bolton <Lucy.Bolton@mfe.govt.nz>; Bryan Smith <Bryan.Smith@mfe.govt.nz>; Janice Rodenburg <Janice.Rodenburg@mfe.govt.nz>

Subject: Essential Freshwater Advisory Groups: Next Steps

Kia ora koutou,

Following up our phone conversation earlier, as promised, and bringing in Ken too.

Chairs of FLG, KWM and the Regional Sector Group have agreed:

- to stand up a small 'integration' group comprising up to 3 members to represent each Advisory Group
- that the group will meet first on Friday 14 June; and will be available for the week of 17-21 June in Wellington
- Chairs will discuss with their respective groups and nominate up to 3 members each; and advise MfE (Cheryl)
- Chairs will consider options from within this group to act as Chair, and advise MfE (Cheryl).

Ken:

- if you could confirm that you support this too, that would be great
- note also that the other Chairs reiterated the importance of the STAG report; and that this is due to be finalised by 14 June.

Out of Scope

This is provided as a draft to work from, so please let me know what amendments you would like. I am conscious of the requests from members of the groups for a clear articulation of how this will work, so it will be important that you and your groups have confidence in these

arrangements as articulated here. Please let me know if there is more that we can do to support this.

From officials, I have asked Bryan Smith to be the lead working with the small group to develop final policy positions. Janice Rodenburg will hold the pen on the consultation document that will go to Ministers. Other officials will be asked to join parts of the discussions as required with the agreement of the group, but Bryan will be the lead.

Next steps

- **Monday:**
 - o Chairs to let me know nominees by return email
 - o Chairs to discuss nominees and advise by email on a Chair for the small group
 - o Chairs to provide feedback on the attached note by email (or, please call me if easier).
- **Tuesday:**
 - o I will email all Advisory Group members with the names of the members of the small group; attaching a final of the attached note setting out the agreed process
 - o MfE will set up logistics (meeting invites and venue etc) for the meetings.

Once again, thank you all for your commitment to this work, and I look forward to the next steps.

Nga mihi
Cheryl

Cheryl Barnes – Deputy Secretary, Water & Climate Change

Ministry for the Environment – Manatu Mo Te Taiao

Mobile: 022 068 3941 Email: cheryl.barnes@mfe.govt.nz Website: www.mfe.govt.nz

Kate Sheppherd Place, Wellington

MfE_logo



Please Note: The information contained in this e-mail message and any attached files may be confidential information, and may also be the subject of legal professional privilege. It is not necessarily the official view of the Ministry for the Environment. If you are not the intended recipient, any use, disclosure or copying of this e-mail is unauthorised. If you have received this e-mail in error, please notify us immediately by reply e-mail and delete the original. Thank you.

This email message and any attached files may contain confidential information, and may be subject to legal professional privilege. If you have received this message in error, please notify us immediately and destroy the original message. Any views expressed in this message are those of the individual sender and may not necessarily reflect the views of Waikato Regional Council. Waikato Regional Council makes reasonable efforts to ensure that its email has been scanned and is free of viruses, however can make no warranty that this email or any attachments to it are free from viruses.

Released under the Official Information Act 1982

Current proposals for NPS-FM

As at 4 June 2019

Black text = previous proposals, Blue text = updated policy

Proposal previously provided to advisory groups	Updates	Reasons for change
Maintain or improve water quality in NPS-FM - Require regional plans to set specific, measurable and time-bound freshwater objectives to maintain water quality at current state (rather than within bands). - Defining “existing freshwater quality” as the quality of fresh water on the date the amended NPS-FM is proposed, unless councils have already set freshwater objectives to implement the NPS-FM. - Set clearer reporting requirements that specify what information should be used to assess whether water quality has been maintained. - Delete the word “overall” from Objective A2, to avoid situations where this is interpreted to mean something other than the above.	No changes	
Policy direction on setting limits in NPS-FM - Amend the definition of a limit to remove the qualifier “maximum amount of resource use” as this implies limits must be quantifiable, which may not be possible for all attributes. - Additional policy directions and clarifications around what a limit is, to ensure implementation of limits achieves policy intent and include policies directing regional councils that uncertainty should not prevent or delay limit setting; and decisions must be made using available information.	No changes	
Restructuring the NPS-FM - Combine parts relating to water quality and quantity, and integrated management, (Parts A, B and C) to reduce repetition between their objectives and policies, and reinforce the need for integrated catchment management and protection of sensitive receiving environments. - Move policies relating to identification of values, the setting of freshwater objectives to provide for those values, and setting limits to achieve those freshwater objectives, into a single part.	No changes	

- Move policies relating to economic well-being into the above process, as a single policy that clearly communicates it should be considered when setting objectives and limits. - Clearly illustrate how councils are giving effect to Te Mana o te Wai as part of the above process (e.g. through explicit wording within policies or explanatory notes).		
Implementation requirements in Part E or NPS-FM - To capitalise on a new freshwater planning process, and ensure regional plans are in place to halt declines in water quality as soon as possible, remove the ability for regional councils to implement the NPS-FM by 2030. - Amend Part E to clarify implementation requirements to not differ for objectives and policies – e.g. replacing all instances of the phrase, “implementation of a policy”, with “implementation of this national policy statement”.	No changes	
Remove redundant term “minimum acceptable state” - The NPS-FM currently states that councils cannot set freshwater objectives below national bottom lines for a compulsory value, or below a minimum acceptable state for any other value. However there are currently no attributes linked to these “other” values and this makes the term “minimum acceptable state” redundant.	No changes	
Provide for renewable electricity generation - Amend Policy CA3 to enable a regional council to set freshwater objectives for a particular FMU below a national bottom line where setting it at or above the bottom line would detrimentally affect the benefits provided by any existing renewable electricity generation infrastructure present in the FMU. Under this approach Appendix 3 would be superfluous and be removed. - Include explicit references to regional council obligations to give effect to the NPS-REG when setting freshwater objectives for FMUs that contain renewable electricity generation infrastructure. - Include reference to the benefits of renewable electricity generation under Policy CA2(f) as a matter that councils must consider when developing freshwater objectives for FMUs.	Six biggest schemes will be listed as exceptions Appendix 3. The six schemes are: • Waikato • Waikaremoana • Tongariro • Waitaki • Manapouri • Clutha	Listing schemes provides greater certainty for councils as to what is required and the six ones here cover the significant majority of generation capacity
Amend 2010 regulations to mandate real-time reporting of water use - Make real-time electronic reporting of water use to councils mandatory under the regulations.	No changes	

Te mana o te Wai, Maori values for freshwater health and mātauranga Maori - Proposal to strengthen and clarify the purpose of Te Mana o te Wai by: - o Amending the descriptor for Te Mana o te Wai in the NPS-FM to clarify the concept and its role - o Providing stronger and more specific direction to regional councils for upholding Te Mana o te Wai through new and existing components of the NPS-FM. - Proposal to incorporate mātauranga Māori measures into NPS. - We are continuing to work with KWM on how to introduce mandatory Māori measures of wellbeing in the NPS-FM (a compulsory value) and still to finalise our advice on this.	No changes to these proposals since discussing with the KWM. Ministers support Te Mana o te Wai proposals and we are still working through mātauranga Māori and compulsory Māori value.	
Provide for all aspects of ecosystem health - Amend the description of ecosystem health, to clarify that there are five specific components to ecosystem health that must all be managed (aquatic life, water quality, water quantity, habitat, and ecological processes), that the ecosystem needs to be managed in a way that is appropriate for the ecosystem type, that a healthy ecosystem is one that is appropriate to that type of freshwater body, when it is in a minimally disturbed condition, and that councils need to account for a wide range of stressors and pressures that affect ecosystem health - Amend Objectives A1 and B1 to safeguard “freshwater ecosystem health, its constituent components, and indigenous species”, rather than current references to “life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of freshwater”.	No changes	
Include threatened species value - Include a new national value in the NPS-FM, to ensure regional planning identifies and manages for threatened species. Including this means that regional councils will be required to consider whether the value applies to any area of any freshwater management unit in their region, and if so, set freshwater objectives to provide for it. It is intended that the threatened species value will complement the existing value for fishing, not replace it.	No changes	

Prevent further stream loss - Restrict piping, infilling and permanent diversions of rivers through a combination of activity status and consenting requirements. - Amend the NPS-FM to introduce policy direction on the circumstances in which councils should: - o Require offsetting of a particular adverse effect where the effect cannot be avoided, remedied, or mitigated, and - o Require compensation where offsetting is not possible and give special consideration when considering a resource consent application to pipe or reclaim a river bed, or permanently divert a river, causing significant loss of habitat. - Amend NPS to collect information from new resource consents on gains and losses in river habitat from each consent, and the causes of the gains and losses.	No changes	
Prevent further loss of wetlands - Amend the NPS-FM to include a clear objective to protect wetlands from loss and degradation, provide directive policies on avoiding the loss or degradation of the extent, function, values, or quality of any natural wetland; and include other policies to help manage wetlands. - Regulate the most destructive activities through the proposed NES-FM, using prohibited or non-complying activity status for these activities, while some form of exception or allowing regional councils to be more lenient may be appropriate in specified circumstances. These activities include drainage, alterations of wetland water levels through damming, diversion, and water takes, reclamation or disturbance of the bed; and clearance of indigenous vegetation.	Possible inclusion now of coastal wetlands (we are working with DOC on this). No other changes	Minister asked for consideration of coastal wetlands to be included
Provide for fish passage - Require regional plans to describe objectives to provide for the diversity and abundance of fish within an FMU, water body, catchment, or sub-catchment. - Require that the biological performance of new structures achieves the objectives. - Require regional councils to collect and maintain records of fish passage performance for new and (known) existing structures. To help compile records, set conditions for permitted and consented activities that will require infrastructure owners to provide information directly to regional councils.	No changes	

- In giving effect to ecological objectives, require regional councils to establish methods for assessing biological performance, and prioritise and achieve mitigation of existing structures.		
Set freshwater objectives and limits for flows and levels - Specify that freshwater objectives for surface water quantity must set out one or more environmental outcomes to be achieved throughout the freshwater management unit; and for ecosystem health objectives, set out the intended critical habitat retention and flow variability in the freshwater management unit. - Specify that councils set or change minimum flows or water level regimes, and allocation limits to achieve the ecosystem health freshwater objective by providing for flow or level variability that meets the needs of the ecosystem, safeguarding ecosystem health from the effects of the allocation limit on the frequency and duration of lowered flows; and providing for the life-cycle needs of aquatic life, including food production. - Specify that for aquifers connected to surface water, councils set water levels and allocation limits so that the freshwater objectives for the groundwater and the surface water bodies are achieved. - Encourage councils to review existing water permits to comply with minimum flows and allocation limits that are set in a regional plan after 2020, and encourage the plan to set out how and when new rules would affect permit holders.	No changes	
Managing nutrients - Further investigate amending the NPS-FM to include dedicated attribute tables and national bottom lines for dissolved inorganic nitrogen and dissolved reactive phosphorus in rivers, and remove the nitrate toxicity attribute (which would be redundant as a result). The periphyton attribute and ammonia toxicity attributes would remain unchanged. - Attribute tables have been developed using national-level relationships between nitrogen and phosphorus and ecosystem health components (macroinvertebrates, fish, ecosystem metabolism and periphyton).	We have not finalised a proposal on nutrient attributes and have not provided final advice to Ministers. STAG has proposed attributes for dissolved inorganic nitrogen and dissolved reactive phosphorous. An independent peer review has indicated that STAG's majority proposal for	

	thresholds are credible (but there are differences of view within STAG) Both options (status quo and new attributes) are still on the table	
Managing sediment - Add a suspended sediment attribute in the NPS-FM with the following technical components: - o Attribute unit: Turbidity (FNU/NTU). Turbidity is a proxy measure of visual clarity in water and generally represents the murkiness of water. Low turbidity values indicate clear water and high values represent murky water. - o A spatial classification system with up to 12 distinct classes, each of which has a distinct attribute state bottom line and band thresholds. These classes reflect natural variation of in-stream suspended sediment. - Add a deposited sediment monitoring requirement. This will be structured similarly to the macroinvertebrate communities monitoring requirement in the NPS-FM. It will include requirements for councils to establish methods for responding to particular indicator scores or declining trends.	No changes	

Higher water quality for swimming - Add a new E.coli attribute table to the NPS-FM and set the national bottom line at the same level as the C/D threshold in the 2003 guidelines, with the “Excellent”, “Good” and “Fair” classes in line with the A, B, and C categories. The thresholds in the new attribute table would apply to primary contact sites during the bathing season, with the current attribute table applying throughout the year for all other rivers and lakes. The effect would be that regional councils would still be required to improve water quality everywhere in terms of E.coli, and set objectives and limits in their regional plans to achieve that improvement. The bar will be higher in places where people swim.	No changes	
Reporting on ecosystem health - Amend the NPS-FM to expand on current reporting requirements as they relate to ecosystem health. This would require councils to annually report on information from existing monitoring programmes as follows: - o Report against all five components of ecosystem health (water quality, water quantity, habitat, aquatic life, ecological processes). - o Produce annual summary report cards, including performance against all components of ecosystem health. - o Produce a synthesis report integrating the five components of ecosystem health as a single ecosystem health score.	No changes	
Monitoring metrics for ecosystem health - Include a suite of ecosystem health monitoring requirements in the NPS-FM, requiring councils to monitor a range of ecosystem metrics that must include: • Fish Index of Biotic Integrity (Fish IBI) • Macroinvertebrates • Lake Dissolved Oxygen (Lake DO) • Lake Submerged Plant Index (Lake SPI) • DO in rivers (more generally than below point source) • Ecosystem metabolism - With the exception of ecosystem metabolism, each metric would have a bottom line indicating the minimum acceptable state for maintaining ecosystem health. - Councils would be required to monitor the metrics, and ensure that ecosystem health was maintained or improved. If monitoring indicates that scores for any of	Final list of metrics has been identified, and policy tool decided. Some of the metrics could be included as attributes. However, we have proposed them as monitoring requirements Dissolved oxygen in rivers (more generally than below point sources) is being added as a	Reasons for adding as monitoring requirements rather than attributes: - Unclear the extent to which proactive objectives could be set for some of the metrics, and if there would be levers at the FMU scale to manage - For some of the metrics, while there is scientific confidence in the

the metrics are below the bottom lines, or indicate a declining trend or a predicted decline, an action plan must be put in place to improve the score or reverse the decline. The exception is ecosystem metabolism, where monitoring is required, but the action plan requirement does not apply.	monitoring metric, rather than amending the attribute. The current attribute will be retained.	bottom line, there is insufficient confidence in the bands to make inclusion as an attribute appropriate - Inclusion as monitoring requirements allows measures of ecosystem health to be considered holistically and provides for integrated action plans to address
Direction to support integrated management - Add a policy in the NPS-FM to clarify that territorial authorities have a responsibility for contributing to the integrated management of freshwater and the use and development of land. The policy would direct those councils to manage the effects of land use for urban development on freshwater in their district plans	No changes	

From: [Arron Cox](#)
To: Gary.Bedford@trc.govt.nz; Helen.Gerrard@trc.govt.nz
Cc: [Stephen Fragaszy](#)
Subject: Draft Morphum Reports on Sediment for your Feedback
Date: Thursday, 13 June 2019 10:37:04 AM
Attachments: [image001.jpg](#)
[Task 4 Continuous Simulation Final Draft.pdf](#)
[Task 2 Report.docx](#)
[Task 3 Report FINAL DRAFT 2019-06-04.docx](#)

Kia ora koutou,

Thanks for helping Morphum and the Ministry for the Environment in providing information to support our sediment work for Essential Freshwater.

We are providing Morphum's draft reports for your review and feedback by next Thursday (20 June). Please feel free to pass these onto other people in your organisation as you see fit.

What feedback we are looking for

- That you are comfortable with the language used in the case studies
- That the case studies reflect your understanding of the project
- Any other information that will help contextualise the findings of the reports as they relate to your region

What we will use your feedback for

- Morphum has provided the draft reports for MfE's comment and given you have provided information on this study we are keen to get your feedback
- We will collate your feedback and provide it to Morphum for incorporation into their final report

What reports we are providing

- Task 2 Report – A summary of the review of consent applications and supporting information
- Task 3 Report - Analysis of water quality data (Auckland and Wellington case studies only)
- Task 4 Report - Water quality modelling analysis of key variables relating to slope, staging of construction and sediment control to allow further analysis of potential variability of sediment load for land development

Arron Cox – Policy Analyst, Freshwater

Ministry for the Environment – Manatu Mo Te Taiao

Mobile: 022 399 6548 Email: arron.cox@mfe.govt.nz Website: www.mfe.govt.nz

23 Kate Sheppard Place, PO Box 10362, Wellington 6143

MfE_logo



Essential Freshwater Joint advisory group hui summary notes

5 June 2019, 1-2.30pm

Attendees:

Freshwater Leaders' Group (FLG): John Penno (Chair), Alison Dewes, Corina Jordan, Hugh Logan, Marnie Prickett, Stephanie Howard, Tom Lambie, Allan Lim, Bryce Johnson
Kahui Wai Māori (KWM): Riki Ellison, Millan Ruka, Paul Morgan,
Science and Technical Advisory Group (STAG): Bryce Cooper, Russell Death, Adam Canning, Mike Jay, Graeme Sevicke-Jones, Clive Howard-Williams, Dan Hikuroa, Rawiri Smith
Regional Sector Group: Doug Leeder, Nicky Green, Katherine Trought, Claire Wooding, Mike Scarsbrook
John Blincoe (Minister Parker's Office) observing.

These notes summarise issues raised at the meeting. Concerns, issues and next steps are summarised and grouped for ease of presentation.

Purpose

This meeting was called to seek feedback on documents recently circulated, the latest policy proposals, and any other matters members sought to raise. This recognises that the advisory groups are the primary source of advice for Ministers and officials on the Essential Freshwater package, and that further input was needed at this critical time.

The agenda for the meeting was:

1. Context – reason for the meeting and what we want to cover today
2. Update on proposals officials are putting to Ministers – focused particularly on rural package, nutrient attribute table and any other issues people want to raise
3. Process from here – Cabinet and consultation timeframes.

The meeting followed from a meeting earlier in the day with a subset of attendees, and key points from that discussion were relayed.

Concerns raised

1. Robust science is needed to support sound policy

- a. STAG has not considered all crucial issues – for example pathogens and ecological flows. Flows have been considered in part and not progressed by MfE. Pathogens were not on STAG programme at all. Ecological flows are critical and must be fully considered, though this would not be practicable in the short term. FLG members have raised these issues as ones that should be included in the STAG work programme.
- b. It is important to remember that STAG was directed by Ministers not to consider economic implications, and to employ the precautionary principle.
- c. STAG was directed by MfE in their work programme and did not have the opportunity to debate and agree their own priorities.
- d. STAG has not had the right expertise in the membership (e.g. microbiologists)
- e. The agriculture package requires science review and validation from experts with appropriate skills (e.g. soil scientists)
- f. Underpinning science needs to include Mātauranga Māori
- g. Critical that attribute tables align with Te Mana o te Wai
- h. A STAG report is currently being pulled together (KWM has already reported, and the FLG is preparing a final report). A robust STAG report is needed (especially by the FLG)



that shows what healthy waterways look like in scientific terms, and which is succinct, clear – focus on decisions, not process

- i. independent of officials
- ii. clear on areas of disagreement
- iii. includes issues that STAG hasn't considered, and the reasons why
- iv. documents what else needs to be done

2. Water rights

- a. Resolution of rights and interests is not on the table for this work programme. Allocation policy cannot be progressed without addressing rights and interests

3. Policy process

- a. Lack of openness and transparency
- b. Hard to keep up with the changes as things are moving quickly
- c. Material being provided to primary industry groups that the Advisory Groups had not seen
- d. FLG, KWM and STAG are working together but other groups (Regional Council, industry) are separate and their deliberations are not transparent
- e. There is a lot of consistency of views among the Advisory Groups, but these views are not appropriately reflected in proposals being developed by officials
- f. Lack of integration puts the whole package at risk and package needs to clearly identify how it is delivering on the three core policy objectives for the package
- g. We need to strengthen and clarify Te Mana o te Wai, we haven't achieved this yet
- h. Key issues are missing, for example animal welfare in winter grazing and wider animal issues
- i. Public opinion is on our side. Role of officials is to integrate advice into proposals, including considering options for getting to a workable package.

4. Options changed and are weaker - outcomes

- a. The agriculture package has changed rapidly and the level of ambition has been eroded in key areas. It is the key area of the package that needs additional work. There is a lack of coherence and integration in the package, which would benefit from focused effort, including science and practitioner input. There is concern that the package has stepped back from a stronger previous position, for example:
 - i. KWM propose a full moratorium, not just a restriction on intensification
 - ii. grand parenting now enabled. This is not supported by FLG or KWM
 - iii. there is no consideration of behaviour change in the development of the package
 - iv. the role of farm environmental plans
 - v. much more clarity needed on the proposals for intensification and N-surplus – it's not clear currently what they are looking to achieve and how they are integrated
 - vi. the majority of the farming community is ready for change and the changes made to the policy options are protecting the minority
- b. Proposals do not meet the objectives of the programme – need greater clarity on how each proposal delivers on the core objectives
- c. Where is the voice of the river? FLG and KWM strongly believe that the first right to water goes to water
- d. Metering regulations do not protect groundwater
- e. Package is setting the Minister up to fail and does not address key concerns of the public

5. Implementation

- a. Policies need to be able to be implemented effectively and considering key issues about how to do this needs to be a core focus of the package's development
- b. Need to be aware of the implications on the ground – strengthening Te Mana o te Wai raised concerns over the ability to implement when there are different understandings of what it means
- c. Communities make decisions on how to provide for Te Mana o te Wai, this needs to be brought in.

Proposals to address the concerns

- **Delay Cabinet consideration of the consultation document for 1 month**
 - o Allows STAG more time to complete and write up their work to ensure that a written product is available to be publicly released as part of the consultation process
 - o Give time for all the groups to review the whole package
- **Convene a small 'Integration Group'**
 - o 1-2 nominated members of each group to work nimbly and intensively to closely scrutinise the whole package of proposals and to focus on integration across the package
 - o Members of the small group would represent the positions of, and would report back to, their respective groups
 - o Ensure transparency where groups positions do and don't align with proposals
 - o Members would need to be available in the next few weeks, have the right experience and understanding of the issues.

Feedback on these proposals

- o Additional time to get the STAG report right will be useful to ensure a good science basis is provided for public consultation
- o There needs to be openness from officials to make changes at this stage, which MfE committed to
- o The small group will enable integration across the package
- o Be realistic about the timeframes and what can be done
- o There is high level agreement, and details to be ironed out; a small group is useful for that
- o Focus of the group needs to be clear
- o KWM will continue its own independent thinking and make a decision about who/whether to participate in the small group
- o Noted that the proposal for additional time is subject to the Minister's agreement.

Next steps

Overall agreement to seek a delay and convene a small group, noting this is subject to the Minister's agreement.

The chair proposed commitment to continued open and robust debate. That all groups stand together in the process, be open, listen, debate, and then give Ministers a strong package to get behind.

Actions

1. The proposal for a delay of Cabinet consideration of the package for one month will be put to Minister Parker. [Minister Parker has agreed to a four week extension from 5 June 2019]



2. A write up of the meeting to be circulated within 24 hours
3. All group Chairs to discuss proposals and next steps, including nominating members to participate in the small group
4. The regional sector group report to be circulated
5. Plan for the 'integration group' process to be circulated - the Chair recommended that pending Minister Parker's approval, a small group meeting is booked in for the week beginning 10 June [Minister Parker has agreed to a small group process]
6. Finalise the STAG report as soon as possible. A draft to be completed by Friday 14 June; the chair of STAG to confirm a final completion date as soon as possible after that, ideally Friday 21 June. Report to be short and focused on scientific evidence on the key issues.

Released under the Official Information Act 1982

From: Cheryl Barnes
To: Adam Canning; Dewesa (landcorp); Andrew Parrish (andrew.parrish@ecan.govt.nz); Chris McLay (Chris.McLay@waikatoregion.govt.nz); Dr Bryce Cooper; Joanne Clapcott (cawthron.org.nz); Gary (EDS); Graeme Gleeson; Hon Dover Samuels (Matua Dover); Hugh Logan; Maia Wikaira (Project Manager / Technical Advisor); Millan Ruka; Nicki (Nicola) Green (Nicola.Green@boprc.govt.nz); Riki Ellison
Cc: Janice Rodenburg; Bryan Smith; Martin Workman; Katherine Meerman; Lucy Bolton; Steve Rylands
Subject: Essential Freshwater Integration Group: Next Steps (First action - draft documents for feedback on errors or omissions by 3pm, Friday)
Date: Friday, 21 June 2019 12:08:31 PM
Attachments: [image005.jpg](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[Freshwater DISCUSSION DOCUMENT Integration DRAFT for IG 21 June midday.docx](#)
[Table for IG with officials_initial thoughts.docx](#)

Hi all,

As promised, attached are two documents for you to **provide feedback on any errors or omissions only, by 3pm today.**

1. **Draft discussion document** - reflecting the integration group's discussions this week; and noting (for transparency) issues where officials may have different views.

In particular, appreciate if you could check that the areas highlighted in blue accurately reflect your views as expressed in the discussion this week and the reports we have to date. This is the bit we need feedback on by 3pm.

[Note that we have just received some comments from Adam Canning that will be incorporated into the next version, to come to you by 4pm.]

2. **Summary Table** - the document that Janice has been producing over the week, collating comments and views on each key issue.

Officials have added (for transparency) a column noting where there are (or may be) different advice from officials.

Note that this is still a work in progress, and does not yet fully align with the officials' comments in the discussion document. We are also still waiting for MPI's comments, which will be in the next iteration.

From here, no later than 4pm today, I'll circulate both documents, picking up any errors or omissions you identify, to all members of the Advisory Groups for your discussions ahead of and at your meetings next week.

As ever, any questions or concerns, give me a call.

Nga mihi
Cheryl

Cheryl Barnes, Deputy Secretary, Water & Climate Change

Ministry for the Environment – Manatu Mo Te Taiao

Mobile: 022 068 3941 Email: cheryl.barnes@mfe.govt.nz Website: www.mfe.govt.nz

MfE_logo



From: Cheryl Barnes

Sent: Thursday, 20 June 2019 2:57 p.m.

To: Adam Canning <acanning@fishandgame.org.nz>; Dewesa (landcorp) <dewesa@landcorp.co.nz>; Andrew Parrish (andrew.parrish@ecan.govt.nz) <andrew.parrish@ecan.govt.nz>; Chris McLay (Chris.McLay@waikatoregion.govt.nz) <Chris.McLay@waikatoregion.govt.nz>; Dr Bryce Cooper <Bryce.cooper@niwa.co.nz>; Joanne Clapcott (cawthron.org.nz) <Joanne.Clapcott@cawthron.org.nz>; Gary (EDS) <gary@eds.org.nz>; Graeme Gleeson <gbg.redley@xtra.co.nz>; Hon Dover Samuels (Matua Dover)

s 9(2)(a) ; s 9(2)(a) Maia Wikaira (Project Manager / Technical Advisor) <maia@whaialegal.co.nz>; Millan Ruka <millan@wairuaenergy.co.nz>; Nicki (Nicola) Green (Nicola.Green@boprc.govt.nz) <Nicola.Green@boprc.govt.nz>; Riki Ellison <riki@wakataurua.co.nz>

Cc: Janice Rodenburg <Janice.Rodenburg@mfe.govt.nz>; Bryan Smith <Bryan.Smith@mfe.govt.nz>; Martin Workman <martin.workman@mfe.govt.nz>; Katherine Meerman <Katherine.Meerman@mfe.govt.nz>; Lucy Bolton <Lucy.Bolton@mfe.govt.nz>

Subject: Essential Freshwater Integration Group: Next Steps

Kia ora koutou,

Thank you once again for the time and energy you continue to put into the Essential Freshwater work, and in particular for the intensive work this week.

This note captures the immediate actions from here, as I understand they were agreed at the close of today's hui. Please let me know asap if I have not captured this correctly, or if anything is unclear.

Nga mihi
Cheryl

Product	Process	Action required	MfE contact
1. Draft discussion document Draft discussion document, reflecting the integration group's discussions this week; and noting	(a) To be circulated to the Integration Group no later than 12pm Friday 21 June: - In hard copy to MfE room 1C (done) - By email to the whole integration group	Feedback from integration group members on any errors or omissions by email to Janice by 3pm Friday.	Janice Rodenburg Cheryl Barnes

(for transparency) issues where officials may have different views	(b) With any errors or emissions corrected, to be circulated by email to all Advisory Group members no later than 4pm Friday 21 June	For discussion amongst Advisory Group members; including at next week's meetings	
2. Summary Table The document that Janice has been producing over the week, collating comments and views on each key issue. Officials will add (for transparency) a column noting where there are (or may be) different advice from officials.	(a) To be circulated to the Integration Group no later than 12pm Friday 21 June: - In hard copy to MfE room 1C - By email to the whole integration group (b) With any errors or emissions corrected, to be circulated by email to all Advisory Group members no later than 4pm Friday 21 June	Feedback from integration group members on any errors or omissions by email to Bryan by 3pm Friday. For discussion amongst Advisory Group members; including at next week's meetings	Bryan Smith Cheryl Barnes
3. Additional information on stock exclusion	(a) To be circulated by email to all Advisory Group meetings no later than 4pm Monday 24 th June	For discussion amongst Advisory Group members; including at next week's meetings	Bryan Smith
4. Draft NPS & NES	(a) Will <u>not</u> be included in the papers sent to Ministers on Thursday 27 th June. (b) Issues emphasised by the Integration Group as being critical for drafting (in addition to the broader conversation) are: - Te Mana o Te Wai - Nutrient attribute tables to be included and accurately reflected per STAG's advice - Must ensure policies are effective	None at this stage Officials will work with Ministers and Chairs on the best way to engage with Advisory Groups on drafts of the NPS and NES.	Cheryl Barnes

	and meet water quality objectives • Must reflects the implications in practice.		
--	---	--	--

Timetable from here (subject to change)

- Thursday 27th June: Draft discussion document, with copies of the final reports from each of the Advisory Groups attached, sent to Ministers Parker and O'Connor.
- 27th June through July Ministerial consideration of advice; cross-party consultation; finalisation of papers seeking Cabinet decisions on documents for public consultation
- Late July – early August (subject to Ministerial consideration and cross party consultation): Cabinet consideration and decisions
- August: public announcements and opening of consultation process
- August-October: public consultation
- November-December: final Cabinet decisions on the package.

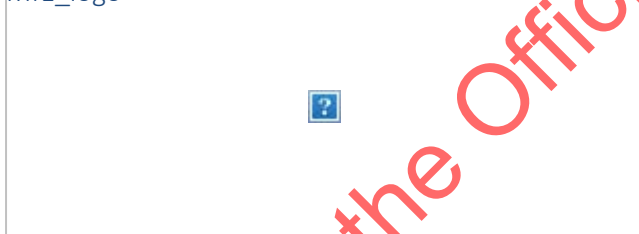
Cheryl Barnes – Deputy Secretary, Water & Climate Change

Ministry for the Environment – Manatu Mo Te Taiao

Mobile: 022 068 3941 Email: cheryl.barnes@mfe.govt.nz Website: www.mfe.govt.nz

Kate Sheppherd Place, Wellington

MfE_logo



Released under the Official Information Act 1982

From: [Cheryl Barnes](#)
To: [Adam Canning](#); [Dewesa \(landcorp\)](#); [Andrew Parrish \(andrew.parrish@ecan.govt.nz\)](#); [Chris McLay \(Chris.McLay@waikatoregion.govt.nz\)](#); [Dr Bryce Cooper](#); [Joanne Clapcott \(cawthron.org.nz\)](#); [Gary \(EDS\)](#); [Graeme Gleeson](#); [Hon Dover Samuels \(Matua Dover\)](#); [Hugh Logan](#); [Maia Wikaira \(Project Manager / Technical Advisor\)](#); [Millan Ruka](#); [Nicki \(Nicola\) Green \(Nicola.Green@boprc.govt.nz\)](#); [Riki Ellison](#)
Cc: [Janice Rodenburg](#); [Bryan Smith](#); [Martin Workman](#); [Katherine Meerman](#); [Lucy Bolton](#)
Subject: Essential Freshwater Integration Group: Next Steps
Date: Thursday, 20 June 2019 2:57:13 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Kia ora koutou,

Thank you once again for the time and energy you continue to put into the Essential Freshwater work, and in particular for the intensive work this week.

This note captures the immediate actions from here, as I understand they were agreed at the close of today's hui. Please let me know asap if I have not captured this correctly, or if anything is unclear.

Nga mihi
Cheryl

Product	Process	Action required	MfE contact
1. Draft discussion document Draft discussion document, reflecting the integration group's discussions this week; and noting (for transparency) issues where officials may have different views.	(a) To be circulated to the Integration Group no later than 12pm Friday 21 June: - In hard copy to MfE room 1C - By email to the whole integration group (b) With any errors or omissions corrected, to be circulated by email to all Advisory Group members no later than 4pm Friday 21 June	Feedback from integration group members on any errors or omissions by email to Janice by 3pm Friday. For discussion amongst Advisory Group members; including at next week's meetings	Janice Rodenburg Cheryl Barnes
2. Summary Table The document that Janice has been producing over the week, collating comments and views on each key issue.	(a) To be circulated to the Integration Group no later than 12pm Friday 21 June: - In hard copy to MfE room 1C - By email to the whole integration group	Feedback from integration group members on any errors or omissions by email to Bryan by 3pm Friday.	Bryan Smith Cheryl Barnes

Officials will add (for transparency) a column noting where there are (or may be) different advice from officials.	(b) With any errors or emissions corrected, to be circulated by email to all Advisory Group members no later than 4pm Friday 21 June	For discussion amongst Advisory Group members; including at next week's meetings	
3. Additional information on stock exclusion	(a) To be circulated by email to all Advisory Group meetings no later than 4pm Monday 24 th June	For discussion amongst Advisory Group members; including at next week's meetings	Bryan Smith
4. Draft NPS & NES	(a) Will <u>not</u> be included in the papers sent to Ministers on Thursday 27th June. (b) Issues emphasised by the Integration Group as being critical for drafting (in addition to the broader conversation) are: • Te Mana o Te Wai • Nutrient attribute tables to be included and accurately reflected per STAG's advice • Must ensure policies are effective and meet water quality objectives • Must reflect the implications in practice.	None at this stage Officials will work with Ministers and Chairs on the best way to engage with Advisory Groups on drafts of the NPS and NES.	Cheryl Barnes

Timetable from here (subject to change)

- Thursday 27th June: Draft discussion document, with copies of the final reports from each of the Advisory Groups attached, sent to Ministers Parker and O'Connor.
- 27th June through July Ministerial consideration of advice; cross-party consultation; finalisation of papers seeking Cabinet decisions on documents for public consultation
- Late July – early August (subject to Ministerial consideration and cross party consultation): Cabinet consideration and decisions
- August: public announcements and opening of consultation process

- August-October: public consultation
- November-December: final Cabinet decisions on the package.

Cheryl Barnes – Deputy Secretary, Water & Climate Change

Ministry for the Environment – Manatu Mo Te Taiao

Mobile: 022 068 3941 Email: cheryl.barnes@mfe.govt.nz Website: www.mfe.govt.nz

Kate Sheppherd Place, Wellington

MfE_logo



Released under the Official Information Act 1982

From: Cheryl Barnes
To: asykes@annettesykes.com; s 9(2)(a); s 9(2)(a); jacinta.ruru@otago.ac.nz; s 9(2)(a); kingi@wairarapamoana.org.nz; s 9(2)(a); milian@wairuaenergy.co.nz; s 9(2)(a); paul@romana.co.nz; rki@wakataurua.co.nz; Tanira.Kingi@scionresearch.com; Iraci.thco; s 9(2)(a); John.W.Penno; s 9(2)(a); Dewesa (landcorp); Steph.Howard; Gary.EDS; Bryce.Johnson; Corina.Jordan; Allen.Jadegarden; Mandy.Bell; Hugh.Logan; Graeme.Gleeson; Marnie.Choosecleanwater; Dr.Marc.Schallenberg; N.M.Shadbolt; Tom.Lambie; governance@ecan.govt.nz; Fiona.McTavish (boprc.govt.nz); Iain.Maxwell (hbrc.govt.nz); Mike.Scarsbrook (waikatoregion.govt.nz); James.Palmer (hbrc.govt.nz); Pat.Doughtery; Clare.Wooding; Douglas.Leeder (boprc.govt.nz); Andrew.Robb (wcrc.govt.nz); alan.livingston@waikatoregion.govt.nz; Bill.Bayfield; Vaughan.Payne; jon.roygard@horizons.govt.nz; Ken.Taylor@agresearch.co.nz; acanning@fishandgame.org.nz; Bryce.Cooper@niwa.co.nz; Clive.Howard-Williams (niwa.co.nz); C.Daughney@gns.cri.nz; ClarksonB@landcareresearch.co.nz; Graham.Sevicke-Jones@es.govt.nz; ian.hawes@waikato.ac.nz; Jennifer.Webster-Brown@lincoln.ac.nz; Joanne.Clapcott (cawthron.org.nz); jon.roygard@horizons.govt.nz; Dr.Marc.Schallenberg; Dr.Mike.Joy (vuw.ac.nz); R.G.Death@massey.ac.nz; Ra@kahungunuwairarapa.iwi.nz; d.hikuroa@auckland.ac.nz
Cc: Vicky.Robertson; Katherine.Meerman; Martin.Workman; Janice.Rodenburg; John.Blincoe (john.blincoe@parliament.govt.nz); Lucy.Bolton
Subject: Essential Freshwater Update for Members of the FLG, KWM, STAG, and Regional Sector Group: Meeting Notes and Next Steps
Date: Thursday, 6 June 2019 4:27:14 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[Essential Freshwater Advisory Group Joint hui notes 5 June 2019.docx](#)
[Regional Sector Water Sub-Group briefing - Essential Freshwater 22 May 2019.pdf](#)
[First report of the FWLG 26 April.pdf](#)

Kia ora koutou,

Thank you again to all of you who attended the joint advisory group hui yesterday, especially at such short notice. I have attached notes from the meeting, which summarise the discussion and the agreed actions from here.

We have not yet been able to confirm these notes with John Penno, as Chair, but I wanted to keep the process moving forward. Please let me know if the notes are not accurate.

I heard a range of concerns about the policy process and proposals, and I am open to continued working between groups and officials to allay those concerns and to create the best policy package we can. I am particularly keen to make sure the Advisory Groups' view are reflected accurately. As was covered yesterday, officials are committed to looking again at the issues as included in the documents circulated yesterday and previously.

At the meeting, two proposals were raised – to delay the programme for one month and to convene a small group from across the advisory group members to work intensively to scrutinise the whole package of proposals.

Minister Parker has indicated his support for the proposals. This will enable the small group to convene next week once we have nominated members, and to report back to the wider groups in the first week of July. We will work with the Chairs to support them in the process of nominating to the small group, and to ensure processes are in place for sharing progress and documenting areas of agreement and any remaining differences of view.

Finally, I attach copies of the Regional Sector Water Sub-Group briefing and Freshwater Leaders Interim Report that were discussed at the meeting, for your information. The briefing and report are not to be shared or made public without the agreement of either Group.

Ministers and officials look forward to continuing work with you on this important project.

Nga mihi
Cheryl

Cheryl Barnes – Deputy Secretary, Water & Climate Change

Ministry for the Environment – Manatu Mo Te Taiao

Mobile: 022 068 3941 Email: cheryl.barnes@mfe.govt.nz Website: www.mfe.govt.nz

Kate Sheppherd Place, Wellington

MfE_logo



From: Cheryl Barnes

Sent: Thursday, 30 May 2019 6:04 PM

To: asykes@annettesykes.com; s 9(2)(a)
jacinta.ruru@otago.ac.nz; s 9(2)(a); kingi@wairarapamoana.org.nz;
s 9(2)(a) millan@wairuaenergy.co.nz; s 9(2)(a);
paul@fomana.co.nz; riki@wakataurua.co.nz; Tanira.Kingi@scionresearch.com; traci@thcg.co.nz;
s 9(2)(a)
dewesa@landcorp.co.nz; s 9(2)(a); gary@eds.org.nz;
s 9(2)(a); corina.jordan@beeflambnz.com; allen@jadegarden.co.nz;
Mandy Bell <mandy@agresourced.co.nz>; s 9(2)(a); Graeme Gleeson
<gbg.redley@xtra.co.nz>; marnie@choosecleanwater.org.nz; marc.schallenberg@otago.ac.nz;
n.m.shadbolt@massey.ac.nz; tom.lambie@ecan.govt.nz; governance@ecan.govt.nz; Fiona
McTavish (boprc.govt.nz) <Fiona.McTavish@boprc.govt.nz>; Iain Maxwell (hbrc.govt.nz)
<iain@hbrc.govt.nz>; Mike Scarsbrook (waikatoregion.govt.nz)
<Mike.Scarsbrook@waikatoregion.govt.nz>; James Palmer (hbrc.govt.nz)
<james.palmer@hbrc.govt.nz>; Pat Dougherty <pat.dougherty@ncc.govt.nz>;
clare.wooding@lgnz.co.nz; Douglas Leeder (boprc.govt.nz) <douglas.leeder@boprc.govt.nz>;
Andrew Robb (wrcr.govt.nz) <andrewr@wrcr.govt.nz>; alan.livingston@waikatoregion.govt.nz;
Bill.Bayfield@ecan.govt.nz; Vaughan.Payne@waikatoregion.govt.nz;
jon.roygard@horizons.govt.nz; Ken.Taylor@agresearch.co.nz; acanning@fishandgame.org.nz;
Bryce.Cooper@niwa.co.nz; Clive Howard-Williams (niwa.co.nz) <clive.howard-
williams@niwa.co.nz>; C.Daughney@gns.cri.nz; ClarksonB@landcareresearch.co.nz;
Graham.Sevicke-Jones@es.govt.nz; ian.hawes@waikato.ac.nz; Jennifer.Webster-
Brown@lincoln.ac.nz; Joanne Clapcott (cawthron.org.nz) <Joanne.Clapcott@cawthron.org.nz>;
jon.roygard@horizons.govt.nz; marc.schallenberg@otago.ac.nz; Dr Mike Joy (vuw.ac.nz)
<mike.joy@vuw.ac.nz>; R.G.Death@massey.ac.nz; Ra@kahungunuwairapa.iwi.nz;

d.hikuroa@auckland.ac.nz

Cc: Vicky Robertson <Vicky.Robertson@mfe.govt.nz>; Katherine Meerman <Katherine.Meerman@mfe.govt.nz>; Martin Workman <martin.workman@mfe.govt.nz>; Janice Rodenburg <Janice.Rodenburg@mfe.govt.nz>

Subject: Essential Freshwater Update for Members of the FLG, KWM, STAG, and Regional Sector Group

Kia ora koutou

There has been a lot going on with the Essential Freshwater project, so I want to give you an update on recent events, and propose some next steps.

Yesterday officials met with a small number of representatives from primary sector groups to test ideas arising from our work programme, and so provided the groups with the attached confidential documents. All of the ideas, bar one significant issue relating to nitrogen control, had been traversed earlier with the Essential Freshwater advisory groups.

I very much regret that the meeting occurred before this issue had been considered by the advisory groups. Options for nitrogen control (and other issues) are still under consideration. No final decisions have been proposed to Ministers or made.

It is also regrettable that at least one of the primary sector groups appears to have forwarded the documents to others, in contrast to the practice of the advisory groups and MfE.

We want to remedy the situation. I would like to invite you to a meeting of all advisory group members at **1 to 3pm on Wednesday 5 June 2019** in Wellington (venue to be confirmed) and to seek your feedback on the documents, the latest policy proposals, and any other matters you would like to raise. This recognises that the advisory groups are the primary source of advice for Ministers and officials on the Essential Freshwater package, and we want to get your further input at this critical time.

I understand this is short notice. We will provide for video or phone conferencing for people unable to join the meeting in person. We will send you a meeting invite with more details soon.

We must soon complete advice for Cabinet consideration, and your feedback will be helpful in finalising this. We can also discuss the Essential Freshwater process from here.

Meanwhile I'm pleased to confirm that our shared objectives around improving freshwater are supported by today's Wellbeing Budget. The Government announced a \$229 million Sustainable Land Use Package. This includes support for improving consistency between councils, better compliance and enforcement, better engagement with Maori, and improving scientific knowledge to inform plan development. It also includes funding to improve water quality in at-risk catchments and wetlands. [Here is a link to the media release.](https://www.beehive.govt.nz/release/transforming-economy)
<https://www.beehive.govt.nz/release/transforming-economy>

Thank you for all the energy, passion and hard work you are putting into improving New Zealand's freshwater. Ministers and officials look forward to continuing work with you on this important project.

Nga mihi
Cheryl

Cheryl Barnes – Deputy Secretary, Water & Climate Change

Ministry for the Environment – Manatu Mo Te Taiao

Mobile: 022 068 3941 Email: cheryl.barnes@mfe.govt.nz Website: www.mfe.govt.nz

Kate Sheppherd Place, Wellington

MfE_logo



Released under the Official Information Act 1982

From: Cheryl Barnes
To: asykes@annettesykes.com; s 9(2)(a); jacinta.ruru@otago.ac.nz; kingilyn@actrix.gen.nz; kingi@wairarapamoana.org.nz; s 9(2)(a); millan@wairuaenergy.co.nz; s 9(2)(a); paul@romana.co.nz; rki@wakataurua.co.nz; Tanira.Kingi@scionresearch.com; Iraci.thco; maia@whaialegal.co.nz; s 9(2)(a); John.W.Penno; s 9(2)(a); Dewesa (landcorp); Steph.Howard; Gary.EDS; Bryce.Johnson; Corina.Jordan; Allen.Jadegarden; Mandy.Bell; Hugh.Logan; Graeme.Gleeson; Marnie.Choosecleanwater; Dr.Marc.Schallenberg; N.M.Shadbolt; Tom.Lambie; governance@ecan.govt.nz; Fiona.McTavish (boprc.govt.nz); Iain.Maxwell (hbrc.govt.nz); Mike.Scarsbrook (waikatoregion.govt.nz); James.Palmer (hbrc.govt.nz); Pat.Doughtery; Clare.Wooding; Douglas.Leeder (boprc.govt.nz); Andrew.Robb (wcrc.govt.nz); alan.livingston@waikatoregion.govt.nz; Bill.Bayfield; Vaughan.Payne; jon.roygard@horizons.govt.nz; Ken.Taylor@agresearch.co.nz; acanning@fishandgame.org.nz; Bryce.Cooper@niwa.co.nz; Clive.Howard-Williams (niwa.co.nz); C.Daughney@gns.cri.nz; ClarksonB@landcareresearch.co.nz; Graham.Sevicke-Jones@es.govt.nz; ian.hawes@waikato.ac.nz; Jennifer.Webster-Brown@lincoln.ac.nz; Joanne.Clapcott (cawthron.org.nz); jon.roygard@horizons.govt.nz; Dr.Marc.Schallenberg; Dr.Mike.Joy (vuw.ac.nz); R.G.Death@massey.ac.nz; Ra@kahungunuwairarapa.iwi.nz; d.hikuroa@auckland.ac.nz
Cc: Vicky.Robertson; Katherine.Meerman; Martin.Workman; Janice.Rodenburg; John.Blincoe (john.blincoe@parliament.govt.nz); Lucy.Bolton
Subject: Essential Freshwater: Update for Members of the FLG, KWM, STAG, and Regional Sector Group: Additional Information
Date: Thursday, 13 June 2019 4:24:05 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Kia ora koutou,

Subsequent to the email below, we have received three requests for additional information from group members. These relate to: the sustainable land package in Budget 19, minutes from the Regional Sector Group meetings, and information on impact assessment work done to date.

Out of Scope

I'll also be at the start of the Integration Group meeting on Friday, and look forward to seeing some of you then.

Nga mihi
Cheryl

Cheryl Barnes – Deputy Secretary, Water & Climate Change

Ministry for the Environment – Manatu Mo Te Taiao

Mobile: 022 068 3941 Email: cheryl.barnes@mfe.govt.nz Website: www.mfe.govt.nz

Kate Sheppherd Place, Wellington

MfE_logo





From: Cheryl Barnes

Sent: Tuesday, 11 June 2019 4:16 PM

Subject: Essential Freshwater: Update for Members of the FLG, KWM, STAG, and Regional Sector Group: Next Steps

Kia ora koutou,

This email is to keep you all advised on next steps in the Essential Freshwater process, further to discussions and agreements made last week.

The agreed actions from last week (as set out in the meeting notes circulated), and an update on the status of each action, are set out below. These have all been put together in discussions with the Chairs.

As ever, please let the Chair of your group, or myself, know if you have any questions or concerns.

Nga mihi
Cheryl

Action (from minutes of the meeting, 5 June 2019)	Update (at 11 June 2019)	Next Steps
The proposal for a delay of Cabinet consideration of the package for one month will be put to Minister Parker	Minister Parker has agreed to a four week extension from 5 June 2019	Advice is now due to Minister Parker no later than 27 June. No further extensions will be granted.
A write up of the meeting to be circulated within 24 hours	Done. Refer email of 6 June	n/a
All group Chairs to discuss proposals and next steps, including nominating members to participate in the small group	Chairs discussed by phone on Friday 7 June Nominated members for the integration group are: <i>Freshwater Leaders Group:</i> • Gary Taylor • Alison Dewes • Graham Gleeson <i>Kahui Wai Maori</i> Members will attend as appropriate. For the week of	Integration group to meet first on Monday 17 June. See below for further details.

	17-21 June, this will likely be: • Dover Samuels • Millan Ruka • Riki Ellison • Maia Wikaira <i>Science and Technical Advisory Group</i> • Adam Canning • Joanne Clapcott • Bryce Cooper <i>Regional Sector Group</i> • Nicola Green (BOPRC) • Andrew Parrish (ECan) • Chris McLay (WRC) It is proposed that the integration group be co-chaired. Hugh Logan will be one co-chair (independent, not as part of FLG). The other will be from KWM name to be confirmed. Given the short notice and time commitment, Chairs have agreed a flexible approach, so that if one member is not available on a particular day, another member of that advisory group may attend instead, with the Chair's approval.	
The regional sector group report to be circulated	Done. Refer email of 6 June	n/a
Plan for the 'integration group' process to be circulated - the Chair recommended that pending Minister Parker's approval, a small group meeting is booked in for the week beginning 10 June	Minister Parker has agreed to a small group process A note setting out the proposed purpose, principles for working and logistics for the small group is attached. Chairs have seen this.	The first meeting of the integration group will be Monday 17 June, at Environment House, starting at 9.30am. We had planned for the group to meet from 14 June, however after further discussions and members' availability this has

		been agreed for 17 June instead. The proposed plan for Monday (subject to any suggested changes from the Chairs) is to: 1. Discuss the context for the regulatory package we are developing - part of a wider and multi-staged reform 2. Identify those areas of agreement between the advisory groups' recommendations and where official ' work has been getting to 3. Identify and prioritise the rest of the week's work programme 4. Discuss the advice/conclusions of the final report from the STAG (if available) 5. In anticipation that the rural land proposals (farm environment plans and LEPs in particular) will be a key area for discussion, explore proposed approaches and work towards agreed advice to the extent possible. Chairs have also requested that they have the freedom to attend any meetings of the small group they choose.
Finalise the STAG report as soon as possible. A draft to be completed by Friday 14 June; the chair of STAG to confirm a final completion date as soon as possible after that, ideally Friday 21 June. Report to be short and focused on scientific evidence on the key issues.	Underway; led by the Chair of STAG	The Chair of STAG has advised that the STAG report will to be circulated to all Advisory Group members by him on Monday 17 June; with advice on a final completion date (ideally Friday 21 June).

Cheryl Barnes – Deputy Secretary, Water & Climate Change

Ministry for the Environment – Manatu Mo Te Taiao

Mobile: 022 068 3941 Email: cheryl.barnes@mfe.govt.nz Website: www.mfe.govt.nz

Kate Sheppherd Place, Wellington

MfE_logo



Released under the Official Information Act 1982

First Report of the Freshwater Leaders Group

April 2019

Introduction

1. Water sustains life, supports our unique ecosystems and species, is part of our heritage and identity, and is a taonga to Māori.
2. New Zealanders have a deep connection with our waterways – we fish, swim, recreate, collect mahinga kai, enjoy and connect with water, get drinking water, and use it as part of our daily life for washing and sanitation. It is used to produce food and fibre on our rural land, supports our industries, is an attraction for tourism, and is used to generate electricity.
3. The wellbeing of our waterways, our air, climate, land, and flora and fauna are interconnected. The health of our people and wellbeing of our communities depend on the health and good management of our waterways. Our future economic prosperity relies on water and its good management.
4. Over many years human activity has resulted in many waterways becoming degraded, and in both urban and rural areas the health of many freshwater bodies and the ecosystems they support is declining. The pressure on a limited resource will become greater in places as the effects of climate change increase.
5. Urgent action needs to be taken. New Zealanders have expressed a strong desire to immediately stop further degradation of our waterways and to start making improvements to their quality, to reverse past damage, and to move to a fair way of allowing use of water and waterways, having regard to all interests, including Māori and existing and potential new users.
6. To do that, we need a freshwater management system that:
 - promotes, protects and enhances the health of waterways, freshwater quality, and resilient ecosystems and habitats
 - recognises there are limits to our freshwater resources and this in turn must limit the way that we use our land and water
 - ensures that the allocation for use of freshwater is transparent, fair and equitable
 - speaks to our role as custodians
 - sustains and restores our waterways for future generations
 - integrates Māori values
 - recognises both the current levels of research, knowledge and catchment activity, and what more is needed for better management in the future

- integrates national-level approaches with catchment-based approaches that recognise local environments and communities
 - recognises that transition times are a factor for both urban and rural catchments, but that some urgent steps need to be taken
 - has an institutional structure that supports, facilitates and drives the changes and outcomes needed, through a mix of regulatory and non-regulatory action.
7. We are all in agreement that the changes to improve water management need to happen quickly so that we prevent further degradation and start to restore the quality of many of our waterways.
8. This report provides the views of the Freshwater Leaders Group (FLG) on the programmes and policy proposals to implement the Government's Essential Freshwater commitments that Ministry for the Environment (MfE) officials have put before us so far. In particular, it sets out:
- our thoughts and recommendations on some of the **fundamentals of the Essential Freshwater programme** as it takes shape.
 - our comments on the **provisions for the Agricultural Sector**, as presented to us by MfE.
 - some brief comments on some of the **other elements of the programme that will require further attention in the Government's discussion paper**.
9. While the Group has discussed papers prepared by MfE, we have on some issues had limited opportunity to see MfE's final advice. **The Group's views, while close to final, are interim views** to assist Ministers in their consideration of the package. We may offer further advice on them. In particular we expect to develop our views on fair allocation in a future report.
10. The FLG has approached this work from two perspectives – what needs to be put in place that will:
- stop the state of our freshwater resources, waterways and ecosystems getting worse and to start making immediate improvements so that water quality is materially improving within five years.
 - promote restoration activity to bring freshwater resources, waterways and ecosystems to a healthy state within a generation, and
11. While members of the FLG come from diverse backgrounds and bring different expertise and experience to the table, there is a strong cohesion of purpose among the Group.

Key Recommendations

Regulatory Framework

1. Early implementation of a comprehensive regulatory framework that sets and enforces national freshwater limits, and controls practices that are an impediment to meeting those limits, is critical to achieving the Government's objectives.
2. Such a regulatory framework must ensure that all regional plans are amended in a consistent way to bring about action that will see national limits for freshwater quality achieved all regions over time.
3. However, we also recognise that such a framework will take some years to come into force. Immediate intervention and practice control are required in several areas to prevent action that could lead to deterioration of waterbodies before new limits and plans become operative.
4. To that end, FLG recommends:
 - a) Implementation of the revised National Policy Statement (Freshwater Management) (NPS-FM) in regional policy statements and plans no later than 2025.
 - b) Inclusion of the relevant attributes of water quality, ecosystem health and human health in the proposed National Environmental Standard (NES) currently being prepared, rather than waiting for regional council implementation of the National Policy Statement for these to have effect.

Note that one member of the FLG wants a greater level of understanding about the implications at a catchment level of these attributes before agreeing to the recommendation in 4b.
5. The regulatory framework proposed by the Ministry for the Environment is supported, with the following provisos:
 - a) Most of the FLG do not agree that there should be carve outs for short term measures and controls for regions with operative plans and believe that the provisions of any Freshwater NES should apply nationally. That said, the group is not unanimous, and some members agree with the recommendation of officials that regional councils that already have plans in place should not have the short-term changes made through the NES apply to the areas covered by those plans.

- b) The faster planning mechanism proposed by officials is important, but there are related areas that need addressing - how underrepresented groups can be helped, how science disagreements can be managed, how access to and use of data and models can be enhanced, and how monitoring to help planning can be improved.
- c) Governance at a central government level needs a new focussed agency, and central government needs to make greater use of existing powers (including litigation) to ensure regional councils comply with the existing legislative and regulatory framework.
- d) There is a need to improve the standard of governance in regional councils – especially their role as governors and not representatives, their understanding of what is required by the Resource Management Act and the NPS-FM, and councils' capacity and capability (science, planning, implementation, monitoring, and compliance).
- e) It is not clear to the FLG that the links between the management of water quality and water quantity are integrated in the policy framework, and management of water quantity needs to be urgently addressed.
- f) OVERSEER is a critical tool to the proposed regulatory framework to manage nutrients from farmland – given its central importance it needs to be centrally owned (free of vested interests). Ownership needs to include the repository of data that it currently holds. OVERSEER also needs greater funding to improve its usefulness as a tool. There is also a need to invest more in understanding attenuation of nutrients, including in relation to all soil types and different farm systems. This should not however prevent changes to improve water quality being promulgated.
- g) Other models of the interactions between land practices and freshwater quality attributes will be required (e.g. the management of sediment) and will also require significant investment.
6. The FLG sees integration with government policy across a number of areas as essential, including climate change policy, controlling the effects of forestry practice on freshwater quality (particularly sediment) under the proposed revision of the National Environmental Standard for Plantation Forestry; the balance between planting exotic and native trees and the impact on water quality (and biodiversity) under the billion trees programme; regional development policies; and urban water policy. We have not yet seen evidence of these linkages in the advice received.
7. The FLG is strongly of the view that a national approach to allocation of freshwater is required. While this is an area that the FLG is continuing to consider, we do not support grandparenting of any discharge allocations.

8. The changes that this programme entails will be significant, involving increasing demands on regional councils, science and social science organisations, sectoral groups and central government, as well as iwi. Advice is needed on whether there is enough capability and capacity to manage this reform process and, if not, how that can be resourced and developed.

Limits for ecosystem health

9. Clear scientific definitions of the attributes of freshwater ecosystem health are critical to the management of water to achieve the principles of Te Mana o te Wai. The Science and Technical Advisory Group (STAG) has made good progress in developing these for a range of additional attributes and monitoring requirements, and the Government should consult on them.
10. The FLG has not yet considered the implications of these new attribute limits and which catchments are in breach of these limits, and we wish to do so ahead of these going out to consultation. We have not yet been able to obtain from Ministry for the Environment officials a detailed indication of the extent of which catchments ecosystem health and human health limits have been exceeded. This will be needed.

Limits for human health

11. Setting limits for human health is important to deliver on public expectations and the Government's ambitions for freshwater, and must be a priority within the Essential Freshwater work programme. A group with the necessary expertise should do this work, including:
- a) Providing for drinking water and mahinga kai in addition to primary contact recreation
 - b) Reviewing the adequacy of the existing *E.coli* and cyanobacteria attributes, and how they are applied.
 - c) Developing further attributes and limits for key pathogens not adequately indicated by *E.coli*.
 - d) Considering how the fresh water objectives for human health can be delivered, including integration with parallel programmes such as the Three Waters programme, the New Zealand Coastal Policy Statement that covers estuaries, and the rest of the Essential Freshwater programme.

At Risk Catchment Project (ARCP)

12. The FLG considers identification and intervention in at-risk catchments as fundamental to achieving the Essential Freshwater programme's objectives.
13. Officials have developed a good tool to help identify at-risk catchments but have not developed a strategy for acting on them. We would like officials to:
 - a) Complete, as quickly as possible, a ranking of all at-risk catchments identified by councils and communities.
 - b) Identify a first set of priority catchments that are at most risk of irretrievable damage in the short to medium term.
 - c) Set out a timeframe for addressing those priority catchments and the set of tools that can be used.
 - d) Identify interim measures and/or more rapid interventions (such as regulatory interventions and use of ministerial powers) so at-risk catchments do not pass tipping points while more intensive, long-term strategies are being developed
 - e) Develop, with the relevant regional councils, a rescue plan for each catchment using all available resources including (but not limited to) targeted regulatory change, additional national and regional resources, and community education and involvement.
14. We also see a separate role for a series of flagship projects – focussed on a small group of catchments - that prototypes and demonstrates how national and regional government, business and community can work together to improve freshwater quality. This should not however distract from the focus of the suggested ARCP response outlined above.
15. In general, we are concerned at the lack of progress within the ARC project given the level of initial engagement and the urgency of the problem. We believe that this is likely to be the result of inadequate resourcing.

Agricultural Proposals

Land Environment Plans

16. Well-constructed Land Environment Plans (LEPs)¹ are a useful tool for farmers to align their activities to regulatory limits, and consent requirements set by regional

¹ Terminology is important. The FLG has chosen the term "Land Environment Plans" for several reasons. Among them:

- Historic use of Farm Environment Plans by some industry bodies to fend off regulation, while not delivering adequate performance
- The view that an FEP should not be used as a tool to ensure regulatory compliance
- To clearly distinguish this tool from the expectations and associations of FEP as practiced to date.

plans, and to help farmers plan for improvement. LEPs can be a support for a land use consent.

- a) LEPs should be risk based as a support tool. The risk assessment should consider both the state of the catchment or the sub-catchment, and the risks to freshwater quality by farming activities.
 - b) LEPs should have a core set of requirements and an overarching structure that is set by a national framework (an NES), with the risk assessment, catchment requirements and implementation done regionally. There should be a requirement for paddock-scale Land Use Capability mapping for LEPs.
 - c) LEPs must reflect any regional rules and consent requirements.
 - d) LEPs could have different features depending on the level of risk and extent of over-allocation in a catchment.
17. The FLG agrees that that only those activities covered in LEPs that are required by regulation or by regional plans should be audited to avoid unnecessary compliance cost, or land operators taking a minimalist approach in their environmental planning.

High Risk Land Use Activities (HRLUAs)

18. The FLG supports regulation that limits the practice of HRLUAs in catchments where limits have been breached until such time as the full regulatory framework is implemented. Most of the FLG agree that this should apply nationally, while some agree with officials and do not think that it should apply to those areas with plans in place.
19. The FLG agrees with officials that feedlots and intensive stock holding areas, intensive winter grazing, and hill country cropping should be caught by this regulation (through the NES being prepared).
20. Further activities that the FLG believes should be classed as high risk and regulated as such are:
- a. Irrigation on vulnerable soils.
 - b. Winter grazing on highly permeable soils (such as gravels or river accretion) or mole and tile drained soils.
21. The FLG considers that implementation of the HRLUAs should be risk-based and use a farm systems approach, possibly through the LEP mechanism.

Whereas the FLG had a range of misgivings about FEPs, there is broad support for Land Environment Plans.

Nitrogen leaching

22. The FLG believes that excessive N losses from farm land should be prohibited. This should be added to the set of regulated HRLUAs.
23. In doing this:
- a) Limits should be set considering local conditions while ensuring broad equity of treatment across the country.
 - b) The use of OVERSEER and regional data sets, while blunt, should be enough and target those land users with the highest N-leaching rates.
 - c) Officials should do further research on the impact of different options for different agricultural sectors, including whether other interim solutions exist, and the implications of any exemption regimes.
 - d) The policy chosen will need to be integrated with the outcome of a policy for a fair allocation system.

Intensification

24. The FLG agrees that in over-allocated catchments regulation is required to restrict land use change and intensification that will result in further degradation of freshwater.
25. We agree that:
- a) Regulations should be quickly implemented and remain in place until the full suite of measures setting limits and allocation comes into force.
 - b) There are essentially two views within the FLG as to how this should be done:
 - a. Option 1 - Taking the precautionary approach, there should be a moratorium on changes of land use in over-allocated catchments that increase risks to freshwater quality (some examples include any land use change to dairy or dairy support; sheep or beef to dairy; from forestry to any pastoral use; and from any land use to vegetable growing), although provision will need to be made for normal vegetable crop rotation policies.
 - b. Option 2 - Change of land use should be allowed under a non-complying activity consent if land users can demonstrate that there will no additional negative impact on freshwater quality.

Stock Exclusion

26. The best way to limit the direct effects of livestock on waterbodies is by fencing them off and suitably planting the area between the grazed area and the water's edge.

27. The Dairy Streams Accord definition of a waterway – more than a metre wide, red-bank deep – is not adequate to deliver to the Essential Freshwater objectives. Smaller headwater streams and drains play an important role in reducing downstream pollution, and wetlands must be protected.
28. The FLG agrees that:
- a) There should be a mechanism that ensures that there are stringent rules for more intensive farms.
 - b) Mitigations undertaken on less intensive farms should be planned and monitored using a risk-based LEP.
 - c) The risk-based LEP should provide guidance on the appropriate setback in less intensive areas.
 - d) Where an area is temporarily intensive there should be a riparian buffer (although this does not need to be planted).
29. The FLG believes that the riparian margin for intensive farming areas and the stocking rate used to defining intensive farming must be soundly based. We have not been presented with the analysis that supports officials' recommendation of a uniform 5 metre setback in all intensively farmed areas, and 14 stock units per hectare.
30. Some in FLG want a transition regime for those farmers that have in good faith already fenced and planted, but not to the riparian margin specified. Others believe that there should be no exemptions.
31. There is a clear opportunity to integrate the riparian planting programme with the Billion Trees target, and farmers should be entitled to access the carbon benefits from riparian plantings, even if these are not significant.

Other Proposals

32. We have not had the opportunity to fully consider the other changes proposed by officials to the NPS-FM. We would however note:
- a) While we have had limited time to consider officials' proposals in depth, our overall view is that the provisions for the protection of wetlands need to be stronger, including recognition for management practices to offset the effects of plant succession on wetland biodiversity loss
 - b) The discussion of indigenous fish and trout and salmon does not match the intent of the Cabinet minute establishing Essential Freshwater, which states that "the life-supporting capacity of water is critical for the habitat of indigenous freshwater species and trout and salmon". Matters of indigenous

versus introduced species should be addressed by the New Zealand Biodiversity Strategy Reference Group.

Adequacy of the proposed measures

33. Information on the impact of the proposed changes on ecosystem health, and on possible land use, social, investment and production changes, and distributional effects, need to be known.
34. As the Provisions for the Agricultural Sector and the NES are expected to contribute most to the first objective of Essential Freshwater – halting the decline – we recommend officials evaluate whether the measures currently on the table will deliver the Government's and the public's expectations. Officials have not been able to advise FLG on this to date, but it should be done before the first suite of measures goes out for consultation.

Key Principles

Te Mana o te Wai

12. Te Mana o te Wai is the overarching objective in the current NPS-FM. The FLG agrees that the principles of Te Mana o te Wai provide a useful framework for thinking about healthy water and priorities for allocation of both water takes and discharges to water.
13. Our preliminary view on the principles and values on which a regulatory system for water quality and an allocation framework should be based is that:
 - The water itself comes first. Ensuring that the waterbodies are treated in such a way as to maintain ecosystem health must be the first priority.
 - Providing for essential human needs, such as water for human consumption, must come second. (However, this does not necessarily mean that a drinking water standard is achievable or desirable for all waterways). Water for sanitation is an essential human need, but the FLG notes that care is needed in how this is framed so as not to allow a free ride for certain activities that might fall under that heading (such as sewage treatment).
 - Taking of water or the right to discharge to water for economic gain must be subservient to providing for the ecosystem health of the water body, and essential

human needs, and that, at least, users should cover the total costs of both take and/or discharge to the water.

- Entities taking water or discharging to water must demonstrate that they adhere to the principles of Te Mana o te Wai, as reflected in national and regional rules, as part of maintaining any right to water.
 - Given the complexity and magnitude of the challenge to halt the decline and reverse the damage to the country's freshwater, the FLG unanimously agrees that **a precautionary approach** is required when setting limits and allocating against these limits – specifically, that where there is uncertainty, that the regulations should favour the protection of freshwater values.
 - **Grandparenting:** the FLG is of the view that grandparenting entrenches the first-come-first-served approach to water management and that it is not equitable or ecologically sound to have this form part of a future allocation intended to halt and reverse the decline of our freshwater. Clear signalling by the Government that there will be no grandparenting is critical to prevent perverse behaviour such as gold rushing before the new rules are in place.
 - **Implementation, compliance, monitoring and enforcement of national policy** are critical to achieving the desired freshwater outcomes. The FLG believes these are a key weakness of the current system - nationally and regionally - that must be addressed in the course of the Essential Freshwater programme.
14. The FLG believes that the involvement of iwi in the governance of water, and the rights and interests of iwi and hapu in respect of water, are a matter for the Crown to determine with Māori. The FLG has therefore purposefully not taken a view on these matters. That said, the importance of resolving any differences between the Crown and iwi and hapu in terms of the governance of freshwater is seen as important to achieving the goals of Essential Freshwater, and the FLG encourages the Crown to take the lead in resolving these issues.

The problem

15. The FLG starts with the premise that over many years human activity has resulted in many of New Zealand's freshwater bodies becoming degraded to some degree. This degradation has occurred because too much water is extracted, or because freshwater bodies are carrying concentrations of nutrients, sediment or other contaminants that are too high for them to maintain healthy ecosystems and to support healthy human communities. The recent report *Environment Aotearoa 2019* provides ample evidence of declining water quality and ecosystem health.

16. We have identified a number of problems with the current water management system, including:

- Insufficient attributes in the National Objectives Framework of the NPS, with some of the existing attributes being inadequate to safeguard ecosystem health and human health
- Inconsistent implementation of both the RMA and the existing NPS-FM at a regional level
- An unfair system for the way that water is allocated (first in first served), and the way that the right to use and discharge nitrogen is allocated
- The excessive time that Resource Management Act processes take both at a national and regional level – this stops urgent changes being made when the environment is threatened
- Governance at both a national and regional level. Central government agencies have been unable to provide the level and quality of national direction and facilitation that water management needs in a devolved process. There is too much variation between councils and greater central oversight is needed. Many regional councils have not paid sufficient attention to the decline in water quality.
- There is a lack of both capacity and capability being applied to good water management practices. Some significant decision-making tools and science programmes are underfunded.

Foundations of Essential Freshwater Policy

17. The FLG recognises the difficulty and complexity of the challenge to stop the decline and begin to see material improvements in freshwater quality. Waterbodies are contained within catchment systems. Water quality varies enormously within and between catchments and over time. The complexity of these catchment systems, and the factors that determine the quality of the water they contain, cannot be overstated. Equally, determining the precise parameters of attributes that result in healthy water, and the quantitative effects of remedial action on land surrounding waterbodies, is imprecise.
18. Given the importance and magnitude of the challenge, the diversity of freshwater contexts, the technological barriers, and the equity and governance issues involved, the FLG unanimously agrees that a precautionary approach is required when setting limits and allocating against these limits – the default should be the protection of our freshwater.
19. We also recognise that officials are working to ambitious timeframes to develop policies and law that will deliver those outcomes for New Zealand.

20. We think that a freshwater management system can be put in place that achieves New Zealanders' aspirations for freshwater, that recognises Te Mana o te Wai and that the water comes first, and that allows water users to develop innovative ways to realise economic opportunities. The framework that we discuss below will position us to do that.

Regulatory Framework and Change Package

21. The fundamental legislative framework to protect water has been in place for some decades. This legislation and its implementation have largely been effective in reducing point source contamination of water², but has been much less effective at preventing over-allocation of water takes and diffuse discharges to water as the state of many waterbodies around the country demonstrates. Regionally mandated urban and rural intensification of land use continues to result in many waterbodies becoming further over-allocated and deteriorating in quality.
22. Over-allocation of water bodies has been occurring for some decades, and is continuing in some catchments.³ National regulations setting limits and bottom lines are central to halting the decline of our freshwater bodies. The FLG recognises the challenge of setting national regulations.
23. Meeting the objectives of Essential Freshwater will require a significant change in behaviour across the system over time. While many entities have been making significant changes in recent years, these changes have not been made uniformly across regions, or across entities within catchments. In particular, entities that have been resisting change, relative to those who are leading change, must be required to change practice to meet the expected standards.
24. The FLG recommends that the only way to achieve the objectives of Essential Freshwater is for **earlier implementation and enhancements to the comprehensive regulatory framework already under way that sets and enforces national freshwater limits, and controls practices that risk those limits not being met.** Given the magnitude of change that will be required, this is important in order to both achieve the expected improvements in freshwater quality, and to provide as much certainty as possible to affected water users, land holders, developers and farmers. The challenge is to set limits by national direction while allowing implementation decisions to be made at the catchment level.
25. This means:
- a revised NPS-FM should be reflected in regional policy statements and plans should be **in place and operative no later than 2025**. This will require law change to ensure timelier implementation at a regional planning level.

² Although there are still concerns over urban point source discharges.

³ In this paper 'catchment' also means 'sub-catchment' depending on context

- **that regional councils are accountable**, by statute, for delivering the freshwater outcomes: that is, they should be assessed for their environmental performance not simply for their processes.
 - **as many attributes of ecosystem health as possible should be included in the proposed NES**, rather than waiting for regional council complementation of the NPS-FM for these to have effect.
26. The Government and regional councils need to take **urgent action against some practices** and in some catchments. We discuss a set of activities that should be regulated with urgency, and the actions we think that the government should in at-risk catchments.
27. The FLG recognises that early implementation of tougher freshwater limits will mean that many catchments will exceed limits to a greater degree than they are currently. This brings forward and increases the challenge to fairly allocate/reallocate take and discharge rights and requires this workstream be accelerated.
28. We have reviewed the regulatory and implementation framework proposed by the MfE (attached as Appendix 1). In general, the framework provides for:
- An immediate regulatory response through a National Environmental Standard (NES) to stop some particular practices that cause water quality problems. Some of these are time limited until new regional plans can be developed
 - A revised and improved National Policy Statement on Freshwater Management (NPS-FM) that will require regional plans giving effect to the NPS-FM to be in place by 2025
 - Legislation to put in place a faster planning process for water management so that new regional plans can be in place by 2025
 - Support for councils to set limits and give effect to the NPS-FM
 - A whole-of-government response to At-Risk Catchments (ARC)
 - Further development of institutional arrangements, preferred allocation mechanism(s) and systematic changes to the RMA.
29. The FLG is generally in support of this framework, but with a number of provisos and qualifications, set out below.
30. **There is one view** within the FLG that regional councils that already have plans in place should not have the **short-term changes** made through the NES apply to those areas. **Others disagree** with this, noting that existing plans could be good, bad or indifferent and that the particular measures that are short-term are being done because they are essential. The majority of the group hold the latter view.

31. The FLG agrees that **a faster planning process is essential**. Our concern is over some key implementation issues for this process. We have not seen any consideration of several important matters:

- The need to address the interests of underrepresented parties during the planning process. Several groups, for example youth and NGOs, iwi and hapū, and individuals find it difficult to participate to the same extent as well-resourced sector organisations.
- There does not appear to be an efficient way of resolving disputes about science during the proposed planning process. The use of mechanisms such as 'hot tubbing' or peer review panels or the use of a science adviser need to be considered and planned for.
- The control of and access to important data and models can skew planning hearings. The availability of such information to all interests is important.

32. The FLG has significant concerns about the **governance** of water management. **At a central government level**, the FLG believes that there is a need for a new central agency that can drive implementation and accountability. This agency should:

- Provide stewardship of the overall freshwater management system, including relevant national direction instruments
- Maintain and report on outcomes and indicators
- Evaluate and report to the Minister on the performance of regional councils in undertaking their roles
- Identify and take action to respond to any capacity and capability gaps within the system
- Be responsible for developing and maintaining any relevant national standards to be used in Land Environment Plans
- Be responsible for the plans and investment for key decision support and measurement tools (such as OVERSEER)
- Develop and maintain freshwater-related competency requirements for farm advisers
- Provide advice and assistance to regional councils during the planning process, and as they implement the new plans after 2025
- Take compliance action where appropriate (while regional councils retain responsibility for the majority of compliance activity)
- Advise on and potentially fund research needs across the freshwater system
- Coordinate and deliver promotional and information services
- Coordinate central government financial assistance and facilitation
- Work with regional councils, sectors and communities on coordinating national initiatives (for example, standard elements of models, learning from experiences in other catchments).

33. Consideration of this agency role could also take into account any institutional changes arising out of the Government's Three Waters review, and the advice of Kahui Wai Māori.
34. In addition, the FLG believes that the Minister for the Environment should make **greater use of existing powers** to compel faster change by regional councils that might be 'dragging the chain', and to intervene when they are not doing their job properly. The Ministry for the Environment should make greater use of litigation to compel change. In the past this had been left largely to NGOs.
35. Central government will have a large and vital role in the way this package is implemented - regulating, providing information and advice, facilitating outcomes, coordination, and monitoring. Central government agencies should endeavour to make use of primary sector leaders and organisations to assist with this. Getting the regulatory settings right will be important, but so will engaging with industry and community groups to deliver behaviour change. We will give further thought on what this might entail.
36. The FLG also sees some **governance issues in regional councils**. Many elected councillors lack the ability to act as governors (instead acting solely as representatives) and have proven slow to act while water quality has declined. Their understanding of what is required by the Resource Management Act and the NPS-FM needs enhancing, and some councils' capacity and capability (science, planning, implementation, monitoring, and compliance) needs lifting. We have canvassed several options for improving this including:
- improved legislation and training
 - using some appointed members to fill skill gaps and help lead governance behaviours on councils
 - an enhanced 'whistle-blowing' mechanism so that central government knows about poor behaviour earlier
 - a government 'witness' or 'adviser' to regional councils
37. We have not at this stage had the time to fully explore these options. We recognise that there will be issues about the extent to which they might sit with the wider range of functions exercised by regional councils (and unitary authorities), and that Kahui Wai Māori may also have view on regional council governance. It is however an issue that is missing from the current set of MfE papers.
38. We are also concerned that **the issues of water quality and water quantity** are not being explicitly addressed in the policy and regulatory framework. Two examples are that, while the national attributes for ecosystem health are being developed, there is no integrated work programme looking at flow regimes. Similarly, the focus on the allocation of discharges is proceeding ahead of consideration of the allocation of water takes. In terms of ecosystem health, the two are intertwined need to be considered together.

39. The framework places a **large reliance on the use of OVERSEER**. It is not currently in the shape to play this role. In particular, the following need to be addressed:

- The ownership structure and governance of OVERSEER is no longer appropriate for the central role envisaged for the tool in the future. Ownership also needs to include the repository of data that it currently holds.
- There is insufficient resource being applied to its improvement
- Data availability from OVERSEER needs to improve, and be capable of being aggregated across a catchment. Data needs to be transparent, as do the algorithms and any changes as they occur
- OVERSEER is not an appropriate tool for a number of sectors (for example horticulture). Other tools will be needed for those sectors.

40. Similarly, better water management and an allocation framework for nutrients will require a **greater understanding of the way that different land types attenuate the discharge of nutrients** into waterbodies. The need to understand attenuation, while important, should not be used as a reason to delay changes needed to better support ecosystem and human health.

41. As a broader list of discharges to freshwater are considered, new tools will be required to manage land practice change and allocation (e.g. sediment runoff from farming, forestry and urban development). Developing these tools is urgent and will require significant investment.

42. **The framework does not address some other significant issues.** These include:

- There is a need to ensure that the rules for the forestry sector in the **National Environmental Standard for Plantation Forestry** align with the expectations for farming that are expressed in the eventual set of regulatory changes. This is not the case currently, and sediment discharges from harvesting and post-harvest are a significant problem.
- We are also concerned that no assessment of the combined impact of a number of government initiatives has been carried out on the **balance between native and exotic tree planting**. The impact of an exotic monoculture on waterways and biodiversity needs to be considered and incentives for native plantings should consider the impact on long run climate change, biodiversity and freshwater quality.
- The FLG has focussed on ways to protect ecosystem health from the activities of the agricultural sector. This **same level of rigour needs to be applied to the impact of urban activities** on waterways. This is important for several reasons – sectoral equity, in some catchments urban and rural sources both need to be managed to get the outcomes wanted, urban areas have a substantially higher

concentration of wealth per hectare, and there are large population groups living adjacent to urban areas. We would like to see a report into how the Three Waters Review will integrate with Essential Freshwater.

- We have not yet seen how the changes to water management **integrate with a range of other government policies** – climate change, biodiversity, the approach to planting a billion trees, how changes to land use as the result of water management integrates with regional development policy. Integrating these is essential and one way of addressing the risk of unforeseen consequences.
 - In many areas there is a **direct link between water quality and the quality of the coastal marine environment and its ecosystems**. We give examples in this report of the need for central government agencies to integrate their activity across freshwater and the coast. There may be implications in the work we are doing for the New Zealand Coastal Policy Statement.
 - How **users of water (whether through takes or discharges) should share the value** they are receiving from a public resource.
43. The changes proposed by this framework are significant. They will test the **capability and capacity** of many of the institutions operating in the freshwater space – central and local government, sector groups, iwi, science and social science groups, planners, and individual farmers. We would expect a review of capacity and capability, and a discussion of what might need to be done to bridge any gaps.
44. Finally, we have yet to see a **quantitative assessment of potential impacts of the package** – both in terms of the expected effect on freshwater quality and ecosystem health and human health, and what possible land use, social, investment and production changes, and distributional effects there might be. We have asked MfE for the first, but it has been unable to provide that assessment so far. For that reason, we are unable to gauge, at this time, to what extent the proposed measures will achieve a halt in the decline of freshwater health. We expect MfE to brief us on its work on this.
45. Having an understanding of impacts is important for several reasons, including helping guide implementation of the package. The restrictions on the discharge of N in this package will have immediate consequences for land users in several catchments. It will be important to both have a clear communications strategy for addressing land users' concerns, and a way of helping land users to understand their options for changing their practices.

Ecosystem Health: Limits and bottom lines

46. Clear and agreed scientific definitions of the attributes of water ecosystem health are critical to achieving the principles of Te Mana o te Wai and the objectives of Essential Freshwater, and underpin the NPS-FM's requirement to maintain or improve water

quality. These must be appropriate at both a national and catchment level and used to determine the level of over-allocation of individual catchments, and the magnitude of change required to bring the waterbody back to a healthy state.

47. We see reaching agreement on the attributes and bottom lines as fundamental to the integrity of the entire process. We have been briefed by the Science and Technical Advisory Group (STAG), which has made good progress on defining and describing the attributes and monitoring requirements for the National Objectives Framework (NOF) that set limits and bottom lines for ecosystem health.

48. The FLG supports the STAG recommendation that:

- Dissolved Inorganic Nitrogen be defined as an attribute (which will also result in some simplification of attribute tables in the NOF)
- Dissolved Reactive Phosphorous be defined as an attribute
- Dissolved Oxygen be used for all rivers and lakes
- Several biotic indicators be included in the NOF – Fish IBI, periphyton, and macroinvertebrates (including any improvements that can be made to the MCI measure currently in the NOF). We also support the investigation by the STAG of ecosystem metabolism as a possible attribute of measure of ecological health
- Turbidity and deposited sediment attributes be included.
- The STAG has also noted that further work is needed in habitat quality.

49. We think that these attributes and monitoring requirements should be included in the public consultation that begins in July.

50. The FLG has not yet considered the implications of these new attribute limits and which catchments are in breach of them, and we wish to do so ahead of these going out to consultation. We have as yet not been able to obtain from Ministry for the Environment officials a detailed indication of the extent of over-allocated catchments. This will be needed.

51. Once we have a clear understanding of the attribute limits that need to be achieved to meet the objectives of Essential Freshwater, the magnitude of the problem can be defined. It is expected that as these limits will set higher standards for many catchments, a larger number of catchments will not meet these new limits, and those that currently exceed limits will do so to a greater extent than previously.

52. The FLG also notes the implementation challenges that the new set of attributes implies. A large amount of guidance material will be needed so that councils can quickly and consistently use the attributes for plan making by 2025.

Human health attributes and limits

53. Setting limits for human health is important to deliver on public expectations and the Government's ambitions for freshwater. It must be a priority within the current

review of the NPS and other parts of the Government's overall work programme on water management.

54. The FLG recommends that:

- In addition to primary contact recreation, drinking water quality and mahinga kai are provided for. Drinking water sources must also be protected.
- The adequacy of the existing *E.coli* attribute and how it is applied be reviewed.
- There should be a review of *E.coli* and cyanobacteria attributes for lakes and rivers.
- Further attributes and limits for key pathogens not adequately indicated by *E.coli* should be developed.
- The Government should set out how these attributes should be monitored, reported on and enforced.

55. In addition, the FLG wants there to be an integrated review of human health attributes across other relevant programmes of work - in particular the Government's Three Waters review, and the way that the New Zealand Coastal Policy Statement deals with pathogens in the coastal environment and estuaries. This integrated assessment should also aim to identify gaps, and the implications for these other programmes. It must also be integrated with other work in the Essential Freshwater programme.

56. The FLG does not think that this work should be done by the STAG. Rather, a group with the necessary expertise – for example, ecologists, medical professionals and microbiologists – should carry this work out as quickly as possible to deliver to the Essential Freshwater timelines.

Implementation, compliance, monitoring and enforcement

57. Implementation, compliance, monitoring and enforcement of national policy and law are critical to achieving the desired freshwater outcomes. FLG believes these are a key weakness of the current system both nationally and regionally, that must be addressed in the course of the Essential Freshwater programme. FLG intends to discuss this, including the resources and expertise required for good freshwater management, and investment priorities, in subsequent reports.

At-Risk Catchment Project

58. The FLG views identification and intervention in At-Risk Catchments (ARC) as fundamental to achieving the Essential Freshwater programme objective of halting the decline in water quality.

59. Developing and implementing the stronger regulatory framework envisaged will take time. In the interim, some catchments could be irreversibly damaged and the FLG see the primary purpose of identifying and taking action in at-risk catchments as preventing this outcome.
60. Our understanding is that the ARC programme is challenging, due to the sheer number of catchments identified, technical issues around defining ARC for regulatory and intervention purposes, and capacity issues. We have been briefed by MfE on a methodology for arriving at ARC's. This seems well-researched and sound, and should arrive at a set of catchments for which intervention can be considered.
61. We are however concerned that there is no strategy for determining which catchments to take action on, and what action might be taken in what circumstances. On present course, the FLG is concerned that the ARC programme will not achieve its fundamental purpose. The FLG is concerned that it will not prevent at-risk catchments around the country passing ecological tipping points or provide the level of intervention required across the totality of catchments identified by various parties as "at risk".
62. We are also concerned that there are some waterbodies of extremely high significance that could be lost if strategy and speed of intervention is not enough (e.g. Te Waikoropupu Springs).
63. We recommend that officials should:
- Complete, as quickly as possible, a ranking of all ARC
 - Identify a first set of all priority catchments that are at most risk of irretrievable damage in the short to medium term
 - Set out a timeframe for addressing those priority catchments and the set of tools that can be used.
 - Identify interim measures and/or more rapid interventions (such as regulatory interventions and use of ministerial powers) so at-risk catchments do not pass tipping points while more intensive, long-term strategies are being developed.
 - Develop a strategy for intervention in these catchments, including considering a rescue plan for each catchment using all available resources including (but not limited to) targeted regulatory change, additional national and regional resources and community education and involvement. That plan should include review and assessment.
 - Organise this programme of work to complement rather than compete with workstreams required to address the national issues.
64. We have also discussed in this context the role of exemplar, flagship projects – focussed on a group of catchments - that prototype and demonstrate how national and regional government, business and communities can work together to improve freshwater quality. These projects are not a substitute for the targeted interventions in at-risk catchments and should be clearly differentiated from them. They can

however make meaningful contributions in catchments with water quality issues. The initial projects would be the highest priority catchments and provide an opportunity to learn ahead of scaling up across an ever-increasing number of the at-risk catchments in future.

65. In general, we are concerned at the lack of progress in the at-risk catchment programme. This may be indicative of a lack of resource.

Provisions for the Agricultural Sector

Overarching

66. Achieving the objectives of Essential Freshwater will require changes in agricultural practice over time, particularly but not exclusively in over-allocated catchments. The level of change required will be determined by the limits set for catchments, and the degree of over-allocation.
67. In some catchments moving farmers from “worst practice” to “best practice” will be sufficient. However, in severely over-allocated catchments land use change is likely to be required.
68. We are also clear that urban communities will also have to address water quality issues caused by, for example, inadequate management of stormwater and wastewater, and the decline in the number and quality of urban streams. This report addresses some key aspects of provisions for the agriculture sector.

Land Environment Plans

69. The FLG agrees that well-constructed Land Environmental Plans (LEPs) are a useful tool for farmers to manage their activities to limits set by regional plans and to help farmers plan for improvement.
70. Regulatory measures and the plans themselves should for the most part focus on outcomes rather than on activity. Further, a LEP should be part of an overarching farm plan that considers all elements of the farming enterprise when setting objectives and guiding management decisions.
71. A regulatory focus on LEPs, ahead of setting catchment limits and allocation mechanisms being established, risks individual enterprises making poor decisions. For example, this could include investing in standoff areas and effluent storage on a dairy farm which may be a poor use of capital within a severely over-allocated catchment that will require land use change.

72. The FLG agrees that:

- there is a lack of evidence that farm environment plans **on their own** deliver environmental improvements.
- There is a degree of skepticism about farm environment plans due to the way they have been used by some industry groups to date, and there should be a clear signal that the LEP (or similar) of the future are part of the regulatory framework and are required to help farmers meet the new expectations for freshwater set out in regulations, and about helping regulators in their compliance role.
- The group recognises that flexibility is desirable and, in some circumstances, necessary, to effectively tailor farming practices to the locality. Hard and fast rules can sometimes impose heavy cost burdens without necessarily delivering better outcomes for water. At the same time, such flexibility should not be at the expense of freshwater outcomes and there needs to be certainty about what the LEP should be required to address.

73. LEPs should be mandatory and the requirements for them should be developed using a risk-based approach, using the catchment or the sub-catchment as the basis for assessing risk. They should require paddock scale land use capability mapping. This would result in setting priorities and actions that respond to the set of attributes of greatest risk to the catchment, and the land use activities likely to have the greatest impact. Appendix 2 is an example of a possible approach to this risk-based framework. The FLG also notes that:

- LEPs should have a core set of requirements and an overarching structure that is set by a national template, with the risk assessment and implementation done regionally.
- The FLG does not support the Environment Canterbury Farm Environment Plan model being used nationally – other regions will require a different approach
- LEPs should incorporate any regional land use rules and consent requirements
- There is considerable experience with LEPs within the FLG and we recommend that officials work with members to define what a well-constructed LEP should entail.

74. Compliance is an important aspect of this risk-based approach. The FLG agrees that **only those activities covered in LEPs that are required by regulation or by regional plans should be audited to avoid unnecessary compliance cost, or land operators taking a minimalist approach in their environmental planning.**

High Risk Land Use Activities (HRLUAs)

75. The FLG is mindful that setting new limits on freshwater quality attributes designed to maintain or improve freshwater bodies to a desirable state will take time to become part of regional plans and implemented through change in land use practice. There is therefore a serious risk of further deterioration in freshwater health in already over-allocated catchments or catchments approaching limits while these measures take effect. Further, this may at times result in perverse outcomes where land owners rush

development or maintain higher than optimal discharges in order to create perceived future opportunity ahead of rule changes.

76. To manage this, the FLG supports early implementation of regulations to limit the practice of HRLUA in over-allocated catchments until such time as the full regulatory framework is implemented. **Most of the FLG agree that this should apply nationally, while some agree with officials and do not think that it should apply to those areas with plans in place.**

77. There are a number of HRLUAs across the country ranging from excessive losses of N through farm practice to wholesale land use change to higher discharging activities (e.g. from trees to pasture, or conversion of land to dairy farming). Because of the range of catchments and situations a group of activities will need to be regulated. It is acknowledged that a degree of inequity is likely result for individual land owners.

78. Nevertheless, FLG is of the view that the benefits of regulating against particularly risky practice is warranted as an interim measure. Wherever possible, these regulations should not result in changes for enterprises following good practice, but rather should be designed to change or prevent the actions of enterprises that pose a risk of negative impacts on ecosystem health, consistent with the objectives of the NPS-FM.

79. The FLG considers that implementation of HRLUAs should:

- be risk-based
- use a farm systems approach possibly through the LEP mechanism. This systems approach would also allow, for example, the integration of animal welfare factors.

80. In general, FLG agrees with the definition of HRLUAs presented by officials as part of the Agricultural Package, and supports implementation of regulation to manage these. Further activities that FLG believes should be classed as high risk and regulated are:

- irrigation on vulnerable soils
- winter grazing on highly permeable soils (such as gravels or river accretion) or mole and tile drained soils.

Nitrogen leaching

81. The FLG is of the view that **one of the first targets should be excessive N losses from farm land.** Although there is a good understanding of N losses under good practice in any given land use and locality, there are large variations in losses between farms.

82. There is concern that, given an expectation of grandfathering in over-allocated catchments, a perceived perverse incentive currently exists.

83. The FLG discussed a range of ways this might be implemented ranging from setting an arbitrary upper limit (such as 75 kgN/ha/year), to establishing limits based on best practice OVERSEER estimates for farm enterprise and location. The FLG's initial views are that:

- the intention is to send a strong signal and ensure that excessive leaching is brought into line within a short period of 1-2 years.
- there needs to be some form of variation that recognises local conditions and targets the reductions needed to the current and expected future state of the environment.
- there should be broad equity of treatment across the country.
- It is intended as a blunt tool until 2025 when regional plans will address the issue.
- the use of OVERSEER and regional data sets, while blunt, should be enough and target those land users with the worst practices (the top quartile).
- we are not yet convinced that the proposal by officials is sufficient, and that it should be the subject of further work before consultation
- the impact of possible approaches on vegetable growers, and the unsuitability of OVERSEER to them, is recognised. The FLG does not believe that there should be special treatment for vegetable growers for high nitrogen leaching and that a way of addressing this sector's issues should be developed that is equitable with other sectors and secures the best outcomes for water quality
- as we indicate earlier, the FLG also sees a real need for further large-scale investment in OVERSEER, other changes to OVERSEER governance and data availability, and further development of other relevant tools so they can be used with more confidence in the future.
- the policy chosen will need to be integrated with the outcome of a policy for a fair allocation system.

84. FLG strongly recommends that a firm proposal for adding this to the list of regulated HRLUAs should be developed ahead of public consultation.

Land use change [Intensification]

85. Changes in land use can result in large increases in the discharge of contaminants that are difficult or at times impossible to reverse in the short term (for example converting areas of forestry to intensive pastoral use).

86. The FLG agreed that, in catchments where limits are not being met, regulation is required to restrict land use change and intensification that will result in further degradation of freshwater. These regulations should be quickly implemented and remain in place until the full suite of measures setting limits and allocation comes into force through regional policy statement and plans in 2025.

87. There are essentially two views within the FLG as to how this should be done:

- a) **Option 1** - Taking the precautionary approach, there should be a moratorium on changes of land use in these catchments that increase risks to freshwater quality (some examples include any land use change to dairy or dairy support; sheep or beef to dairy; from forestry to any pastoral use; and from any land use to vegetable growing) although provision will need to be made for normal vegetable crop rotation policies.
- b) **Option 2** - Change of land use should be allowed under a non-complying activity consent if land users can demonstrate that there will no additional negative impact on freshwater quality consistent with the NPS-FM.
88. Similar to the regulation of HRLUAs, the group is of different views as to whether these approaches should be applied nationally or only to an over-allocated or 'at risk' catchments.
89. The FLG considered a tiered proposal from officials that would categorise catchments according to whether they were exceeding limits and had regionally-set intensification rules in place. There was concern that this approach would not work well in regions that might have inadequate rules, meaning the objective of the regulation would not be met.
90. The FLG also discussed whether a risk-based approach could be used and has asked officials to test whether such an approach is appropriate and capable of being delivered as an interim measure.
91. Finally, the need for this proposal would need to be considered in the context of the shape of the other changes proposed as part of Essential Freshwater, including an assessment of the allocation implications.

Stock Exclusion

92. It is accepted that freshwater quality is compromised by allowing livestock direct access to waterways. The best way to limit the effect of livestock on waterbodies is by fencing them off and suitably planting the area between the grazed area and the water's edge.
93. The work of many individual farmers, and the Dairy Industry under the Clean Streams Accord (and the other programmes that followed) is acknowledged. However, it is recognised that:
- this has generally only been applied when water bodies are next to in-milk dairy stock
 - at times riparian planting has not been done and fences are too close to water to be effective.

Definition of a waterbody

94. The FLG does not believe that the Dairy Streams Accord definition of a waterway – more than a metre wide, red-bank deep – is adequate to deliver to the Essential Freshwater objectives as there is strong evidence that the waterbodies that do not meet the Dairy Accord definition carry the lion's share of the contaminant burden into New Zealand's waterways. We also see protection of wetlands as essential.
95. We recognise, however, that for certain terrains or due to the temporal nature of certain critical source areas (for example, the headwaters in high country areas and around ephemeral waterbodies), fencing and riparian planting may not be affordable and there may, in any case, be more cost effective ways to prevent or limit the effect of pastoral farming near waterways.
96. LEPs may offer a tool to that would build in a risk-based assessment – for example, require exclusion of cattle and deer from such water bodies or critical source areas – including ephemeral streams - while preserving some flexibility for the way in which this outcome is achieved (e.g. temporary fencing).

Intensity

97. The FLG agrees that regulation should ensure that cattle and deer are excluded from waterbodies by way of suitable fences and riparian planting wherever stocking rates are such that their presence will damage ecosystem health. As an indication, the intensity (stocking rate) limit we discussed was 18 stock units/ha per land management unit, but we recommend that further work be done to determine whether this is appropriate. **FLG believes that the stocking rate used to define intensive farming must be soundly based and has not been presented with the analysis that supports officials' recommendation of 14 stock units per hectare.**
98. **Neither have we seen analysis that shows that a uniform 5 metre riparian setback is correct for all intensively farmed areas.**
99. FLG is strongly of the view that work is required to ensure that riparian planting is integrated into New Zealand's carbon balance. There may be opportunity to integrate the riparian planting programme with the Billion Trees target. Farmers should be entitled to access the carbon benefits from riparian plantings (although recognising that these may not be significant).
100. **Some of the FLG believe that there should be no grandparenting of non-complying fencing and regions,** and other landowners should not be exempt from requirements to exclude stock from waterways. This is because of the need to ensure ecosystem health. **Some others are concerned about early adopters** who have fenced and planted in good faith but at less than the required distance will be penalised and this will run the risk of the policy being denigrated by those that would otherwise support it. They wish to see an appropriate transition regime.

101. The FLG agrees that:

- there should be an trigger that ensures that there are stringent rules for more intensive farms
- less intensive farms should use a risk-based LEP
- planting the riparian strip should be part of the policy
- where an area is temporarily intensive there should be a riparian buffer (although it does not need to be planted)

Other elements of the package

102. The FLG has also had an opportunity to discuss briefly the other elements of the package that deal with changes to the NPS-FM. We have not addressed these issues in detail and in general the paper to Ministers picks up the tone of the discussion had by the FLG. We do however have the following points:

- The proposed amendments to protect wetlands are too soft. Even after the Resource Management Act was passed New Zealand's wetland losses have been significant and there is a need to prevent further loss. The proposal going out for consultation should be stronger, and also address recognition of management practices to offset the otherwise inevitable effects of plant succession on wetland biodiversity loss.
- The treatment in the paper of indigenous fish and trout and salmon is inconsistent with the intent of the Cabinet Minute establishing the Essential Freshwater project, which explicitly affirms that *'the life-supporting capacity of water is critical for the habitat of indigenous freshwater species and trout and salmon'*. The official paper not only narrows the focus to indigenous freshwater fish (not species), but also makes no mention of the freshwater habitat needs of trout and salmon, which are affected by the same habitat degradation issues facing indigenous species. The Essential Freshwater project is about freshwater *habitat*, not indigenous vs introduced *species* differentiation. That discussion should take place in the Government's *New Zealand Biodiversity Strategy Reference Group*.

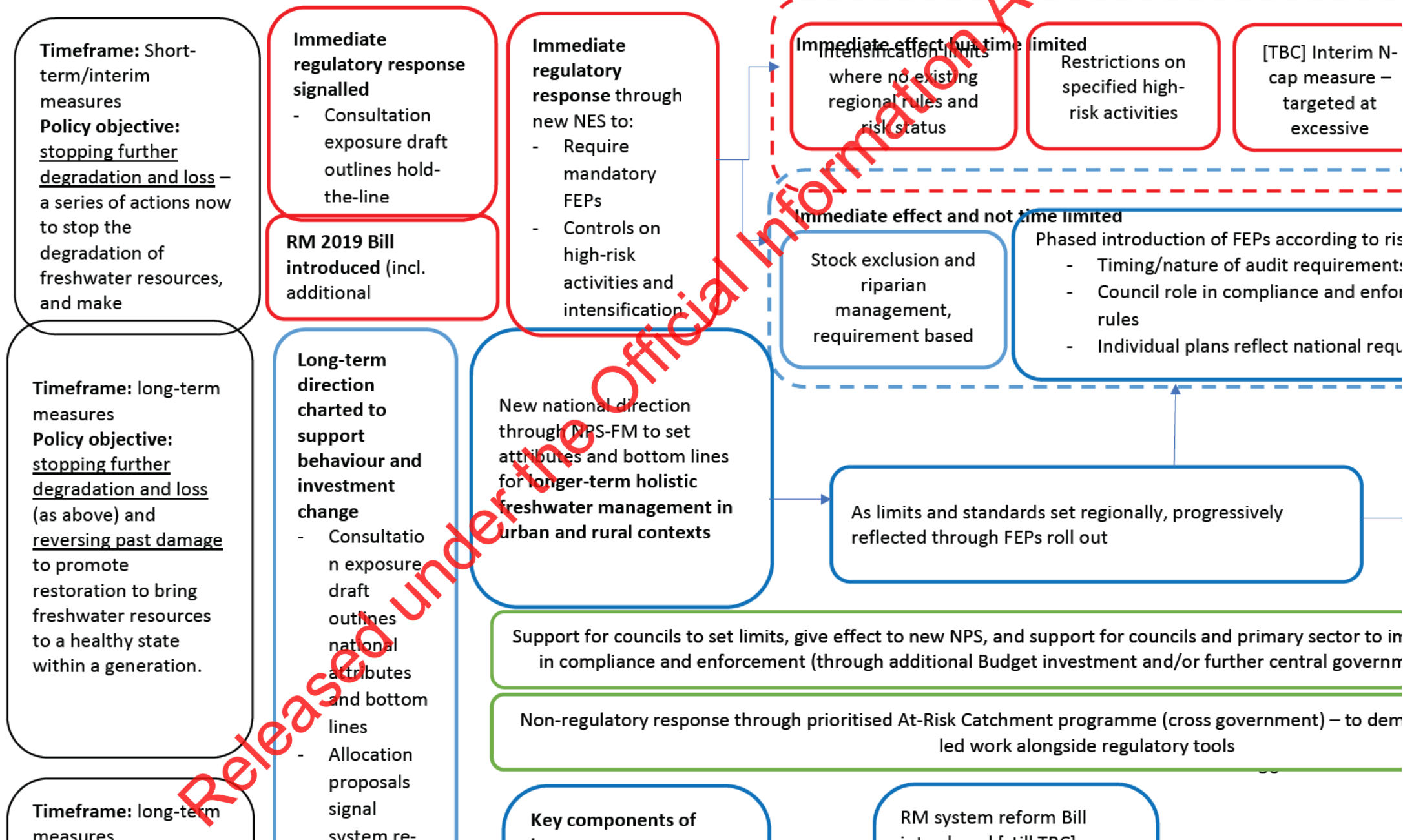
Adequacy of the proposed measures

103. We expect that a new freshwater NES incorporating Provisions for the Agricultural sector are expected to contribute most immediately to the first objective of Essential Freshwater – halting the decline. There will then be changes that are made to the NPS that will need to be included in regional policy statements and plans by 2025, and implemented well. We recommend that officials evaluate whether the measures currently on the table will deliver the Government and the public's expectations, and that this be done before the suite of measures is finalised and

released for public consultation. We would also expect to be briefed on the possible land use, social, investment and production changes, and distributional effects of the changes.

Released under the Official Information Act 1982

Essential Freshwater Programme – initiative and timing wiring diagram (Work-in-progress)



Appendix 2

Farm Plan Approach: Risk Based Assessment – Dewes/Jordan Mar 2019

(Thresholds and triggers are indicative only)

Measure	Permitted Activity	Low Risk LUA Mgt	High Risk LUA Mgt
Data Integrity- Baseline	Min Reqt: Provide base data, simple plan, and proof of N leach under 20 kg N per ha, nil winter crop, < 60 kg N use per ha nil irrigation, < 13 Su/Ha, CSA and wetland ID and protection.	Min Reqt LUC/Soils, CSA, wetland, riparian mapping of farm. GHG baseline. Proof of 20-45 kg N leach/ha < 5% farm winter crop < 100 kg N use/ha/yr No HRLUA	LUC, CSA, Wetland, Soils map. GHG baseline. >45 kg N leach/ha >5% winter crop >100 kg N use per ha per yr. Irrigation coarse soils
Professional Planner (audited by 3 rd parties)	One high integrity assessor then PA	Three year review of plans, aim to show improvement.	Plan monitored annually Proof of action to get down to 45 kg by 2025 N leach and improve biodiversity and water protection.
Reward System	No further action required.	Extend consent review if Retiring land, Enhancing Biodiversity Sequestering Carbon, Demonstrate high integrity data management .	Annual Review, extend audit period.

Released under the Official Information Act 1982

Memo

To: RMG

File ref: 15/02/05/01

From: Annabelle Ellis

Date: 20 June 2019

Re: Essential Freshwater implementation – workshop at your meeting

Purpose

To provide you with background information and topic areas to enable a workshop discussion on implementation at your RMG meeting on Thursday 20 June 2019.

Background

The Ministry for the Environment (MfE) understands the critical need to improve support and get the implementation of the Essential Freshwater package right. We have undertaken some initial thinking on what and how this could be achieved, but success can only be achieved through co-design and collaboration with the sector.

Discussions with the Regional Sector Water Sub Group (RSWSG) have highlighted that the sector is looking for an all-encompassing implementation plan that covers all of government activities, which also goes into areas where government has the ability to influence.

It is our understanding that like MfE, the RSWSG is looking for a long-term vision for the action plan, with key short-term actions identified but also actions required to influence the longer term outcomes, which may be implementable in future years.

We also both agree that there is a need to prioritise efforts and ensure that the best 'bang for buck' is achieved for freshwater.

The discussions to date have also raised other opportunities we are keen to explore further, for example, the regional sector and MfE partnering to write an NES that cuts through the local planning process, but still allows community input when local direction is needed.

Workshop discussion

We will run an interactive session to obtain your ideas and feedback on how we can work together to implement the Essential Freshwater package as well as obtaining your ideas on critical components needed for successful implementation of the new policy.

We would like your ideas, the opportunity to test some initial thinking and understand what you would prioritise in the following high-level topic areas:

- Capability and capacity
 - o Resourcing
 - o Skills/expertise
 - o Training
- Planning
 - o Tools and templates
 - o System/processes
- Science and Information Management
 - o Support for planning and decision-making
 - o Data and data management
 - o Maps/models
- Action on the ground
 - o Farm Environment Plan
 - o Restoration work
 - o Fencing
- Compliance, Monitoring and Evaluation
 - o Consents, permitted activities
 - o Technical, certification, auditing, assurance

We would also like to obtain your ideas and feedback on the following:

- How we can best work together?
- What you see as critical components for implementation?

Outcomes

There is a need for a collective approach not only to ensure we can jointly implement the NPS successfully but also because freshwater is important for all of New Zealand and to all New Zealanders.

By the end of the workshop, we would like to have an agreed set of next steps including options of how we can work together and an insight on how we can best support Councils going forward.

Nitrogen attribute table: Cautious STAG members SYNTHESIS of combined comments and responses to STAG Chair Ken Taylor's questions.

Introduction:

We acknowledge the highly professional and collegial discussions that have taken place in the STAG since its inception in 2018 and we have been pleased to contribute to this very useful and important Advisory Group.

The STAG Chair (Ken Taylor) made it clear at the opening meeting of the Group that recommendations would not necessarily be by consensus and that, in the event that consensus could not be reached on a particular matter, that the minority views would be recorded.

The STAG discussed nutrient attribute tables at its meeting on 26th February 2019, including an option presented for nitrate-N (subsequently changed to DIN) and DRP based on a Weight of Evidence approach. Two members of the group supported the incorporation of these tables into the NPS-FM as presented but twelve members requested "further work to answer outstanding questions". We acknowledge the further work that has subsequently been done by the nutrient subgroup of STAG, individual STAG members, and MfE staff.

More recently, the STAG received a new paper on the Weight of Evidence approach used to derive the proposed DIN attribute table. Five of the twelve members that had requested "further work to answer outstanding questions" still expressed concerns under the heading: 'The science is unresolved'. Officials agreed to receiving commentary from these cautious STAG members relating to this new paper. The Chair suggested that it would be useful if those who had outstanding issues with the Weight of Evidence approach prepare a combined response, and to assist with this, provided a series of questions with which to focus the discussion.

This document is in two parts:

- i) a synthesis of the main points of the 'cautious' members' concerns arranged under the set of seven questions specifically posed by the Chair and
- ii) the individual responses from each of those members. The latter contain more detail and are compiled in an appendix attached [APPENDIX 1].

The 'cautious members' have agreed on this summary statement although not all provided comments to each of the seven questions. Whilst our synthesis and individual comments are directly in response to the questions on nitrogen posed by the Chair, we note that the principles of our concerns will also relate to the phosphorus attribute as well. We also note that while the questions are aimed at the Weight of Evidence approach, our concerns are focussed on the proposed attribute tables, the numbers in them and the derivation of those numbers.

Question 1. I don't have a clear understanding of exactly what data were used in the WoE approach, and how the data were used to derive the levels.

SYNTHESIS OF COMMENTS

Data Used: Recalling that we have been asked to support a set of concentrations for DIN that are presented to the second decimal place of a mg/L of N (ie to 10 micrograms/L), there is a concerning difference in the conclusions drawn from the alternative analyses of Drs. Adam Canning and Ton Snelder in the nitrate vs MCI analyses. These differences remain unresolved but are significant. For instance, if Snelder is correct and his C/D value for nitrate-N is used then the overall proposed

attribute table's C/D Band (i.e., bottom line) would increase 3-fold from 0.88 to 2.3 mg/L. These differences are such that they may have used different data sets for their analyses. As a result, we lack confidence in the veracity of the DIN numbers used in the proposed attribute table.

Derivation of levels:

The paper supporting the proposed attribute tables, (Adam Canning's 21.05.19) lacks necessary detail from which to conduct a peer review, with several of the logic steps to derive the attribute bands (bottom lines and A/B, B/C band thresholds) missing from the multiple lines of evidence (i.e., how the bands have been identified). It therefore lacks the expected scientific robustness. We observe that a range of approaches to determine the bands has been used across the metrics. We wonder why this is necessary? We are unable to adequately peer review the analytical steps used in constructing the WoE table.

Question 2. I am uncomfortable with the WoE approach in general, because....

SYNTHESIS OF COMMENTS

We are not uncomfortable with the WoE approach in general. It is accepted as a valid methodology provided that each line of evidence is robustly developed and the way the lines of evidence are combined is logical and appropriate to its use. In this case, from the information presented, we are of the view that these conditions have not been met (see Question 1 above and the external peer review conducted by Professor David Hamilton (Deputy Director, Australian Rivers Institute)).

Question 3. I have other scientific or logical concerns with the WoE approach in the context of the NPS as a whole because...

SYNTHESIS OF COMMENTS

Some members have difficulty in the logic of including periphyton in the WoE analysis when the periphyton attribute table will remain in the NOF. It seems that the NPS will then 'double-count' periphyton. This needs further discussion as the periphyton attribute is likely to apply in around 60% of NZ rivers.

The WoE approach uses correlative relationships with ecosystem health rather than mechanistic or causative relationships. These WoE relationships are often weak, and the Canning 21.05.19 paper recognises that "nationally correlative relationships do not always translate to site-specific thresholds".

One member voiced concern over what the proposed nutrient attribute tables will achieve in terms of ecosystem health outcomes alongside other attributes and requirements in the NPS-FM.

Question 4. I think the WoE approach is fundamentally unsupportable, because...

SYNTHESIS OF COMMENTS

We do not think the WoE approach is unsupportable. See the response to Question 2.

Question 5. Any other issues?

SYNTHESIS OF COMMENTS

Nitrate/DIN and DRP do not seem to be emerging naturally as overwhelming variables for unifying EH. We share concerns over the data, inconsistency of numbers presented and very different modelling results presented to us on MCI-Nitrate correlations (see response to Question 1). Any proposed nutrient attribute tables will need to consider effects on downstream ecosystems as required by the NPS-FM. We have not discussed this in the STAG yet but an approach similar to that of the existing Periphyton Note may be applicable.

Question 6. In the event that issues around the WoE approach remain unresolved, my preferred approach for deriving N thresholds would be ...

SYNTHESIS OF COMMENTS

There were different views on a preferred approach to 'deriving nitrogen thresholds'. Three are presented here for consideration should the Minister wish to restrict the nitrogen levels in rivers.

1. Noting that the current NPS-FM has a NOF Attribute Table for nitrate toxicity the 'cautious members' suggest that options could be:
 - a) 'Raising the bar' for the level of species protection from the effects of nitrate toxicity by shifting the national bottom line to either the B/C threshold (2.4 mg/L) or the A/B threshold (1.0 mg/L)
 - b) including nitrate as a "national monitoring requirement" in the NPS with a minimum value of 1.0 mg/L NO₃-N until such time as satisfactory agreement is reached on a full attribute table.

If a) or b) are chosen then consideration to account for sensitive downstream environments is needed and the most stringent concentration (for toxicity based or the requirement for downstream environments) option taken. It is also noted that if the thresholds for nitrate toxicity are revisited, the thresholds for ammonia toxicity should also be reviewed. (We believe that the science is clear on the impacts of setting policy thresholds for nitrate toxicity. The call on what level (concentration) to put in policy is not a science call).

2. We agree that ecosystem metrics are important to monitor in their own right and, two members suggested that the attribute table be replaced by monitoring requirements in the NPS for each of the ecosystem health metrics in an analogous manner to the MCI that is currently included in Policy CB3.

Given that a Periphyton Attribute is in place and that MCI is already covered by a monitoring requirement, new thresholds would be needed for IBI and the three ecosystem processing metrics that the STAG is likely to be recommending in future advice. (We note that STAG discussion on thresholds for these ecosystem health metrics are well-advanced). If these ecosystem health metrics are declining or below the thresholds, then (as per Policy CB3), regional councils would be required to investigate the causes and develop action plans to halt the declining trends and improve.

3. In the absence of the unresolved issues of EH and nutrients, a suggested approach would be: Use the periphyton attribute table and the spatially discriminated nutrient tables for periphyton derived by the recent Snelder analysis to determine N thresholds for hard-bottomed rivers, choosing the more stringent (lower concentration) of this (which could be A/B, B/C, or C/D thresholds), a new nitrate toxicity bottom line (e.g., 1 mg/l), or the current state (maintain criterion). For soft-bottomed rivers use the more restrictive of a new nitrate-N toxicity bottom line (e.g., 1 mg/l) or the current state (maintain criterion).

Question 7. In the event that we conclude that the current state of knowledge is not yet mature enough to support nationally applicable N thresholds for ecosystem health protection (even if I favour the concept of a single table), my preferred approach for managing N would be...

SYNTHESIS OF COMMENTS

No additional comments that have not been covered in Question 6 above.

Released under the Official Information Act 1982

Nick Vincent

From: Katherine Meerman <Katherine.Meerman@mfe.govt.nz>
Sent: Wednesday, 5 June 2019 10:39 AM
To: Cheryl Barnes; asykes@annettesykes.com; s 9(2)(a); jacinta.ruru@otago.ac.nz; s 9(2)(a); kingi@wairarapamoana.org.nz; s 9(2)(a); millan@wairuaenergy.co.nz; s 9(2)(a); paul@fomana.co.nz; riki@wakataurua.co.nz; Tanira.Kingi@scionresearch.com; Traci (thcg); s 9(2)(a); John W Penno; s 9(2)(a); Dewesa (landcorp); Steph Howard; Gary (EDS); Bryce Johnson; Corina Jordan; Allen (Jadegarden); Mandy Bell; Hugh Logan; Graeme Gleeson; Marnie (Choosecleanwater); Dr Marc Schallenberg; N.M Shadbolt; Tom Lambie; governance@ecan.govt.nz; Fiona McTavish (boprc.govt.nz); Iain Maxwell (hbrc.govt.nz); Mike Scarsbrook (waikatoregion.govt.nz); James Palmer (hbrc.govt.nz); Pat Dougherty; Clare Wooding; Douglas Leeder (boprc.govt.nz); Andrew Robb (wcrc.govt.nz); alan.livingston@waikatoregion.govt.nz; Bill Bayfield; Vaughan Payne; jon.roygard@horizons.govt.nz; Ken Taylor@agresearch.co.nz; acanning@fishandgame.org.nz; Bryce.Cooper@niwa.co.nz; Clive Howard-Williams (niwa.co.nz); C.Daughney@gns.cri.nz; ClarksonB@landcareresearch.co.nz; Graham.Sevicke-Jones@es.govt.nz; ian.hawes@waikato.ac.nz; Jennifer.Webster-Brown@lincoln.ac.nz; Joanne Clapcott (cawthron.org.nz); jon.roygard@horizons.govt.nz; Dr Marc Schallenberg; Dr Mike Joy (vuw.ac.nz); R.G.Death@massey.ac.nz; Ra@kahungunuwairarapa.iwi.nz; d.hikuroa@auckland.ac.nz
Cc: Vicky Robertson; Martin Workman; Janice Rodenburg
Subject: Overview notes for this afternoon's advisory group meeting
Attachments: image001.png; image002.png; image003.png; image004.png; Overview of rural package proposals for advisory groups - 5 June 2019.docx; Current proposals for NPS - 5 June 2019.docx

Hi all

Attached to this email are two notes which will be used as part of the discussion for this afternoon's meeting. They summarise all the proposals for the NPS and rural package as they currently stand – and identify where recent changes have been made and where issues are still being worked through.

We will have hardcopies available at the meeting for those attending in Wellington.

Best regards
Katherine

From: Cheryl Barnes <Cheryl.Barnes@mfe.govt.nz>
Sent: Thursday, 30 May 2019 6:04 PM
To: asykes@annettesykes.com; s 9(2)(a); jacinta.ruru@otago.ac.nz; s 9(2)(a); kingi@wairarapamoana.org.nz; s 9(2)(a); millan@wairuaenergy.co.nz; s 9(2)(a); paul@fomana.co.nz; riki@wakataurua.co.nz; Tanira.Kingi@scionresearch.com; Traci (thcg) <traci@thcg.co.nz>; s 9(2)(a); John W Penno; s 9(2)(a); Dewesa (landcorp) <dewesa@landcorp.co.nz>; Steph Howard; s 9(2)(a); Gary (EDS) <gary@eds.org.nz>; Bryce Johnson; s 9(2)(a); Corina Jordan <corina.jordan@beeflambnz.com>; Allen (Jadegarden) <allen@jadegarden.co.nz>; Mandy Bell <mandy@agresourced.co.nz>; Hugh Logan; s 9(2)(a); Graeme Gleeson <gbg.redley@xtra.co.nz>; Marnie (Choosecleanwater) <marnie@choosecleanwater.org.nz>; Dr

Marc Schallenberg <marc.schallenberg@otago.ac.nz>; N.M Shadbolt <n.m.shadbolt@massey.ac.nz>; Tom Lambie <tom.lambie@ecan.govt.nz>; governance@ecan.govt.nz; Fiona McTavish (boprc.govt.nz) <Fiona.McTavish@boprc.govt.nz>; Iain Maxwell (hbrc.govt.nz) <iain@hbrc.govt.nz>; Mike Scarsbrook (waikatoregion.govt.nz) <Mike.Scarsbrook@waikatoregion.govt.nz>; James Palmer (hbrc.govt.nz) <james.palmer@hbrc.govt.nz>; Pat Dougherty <pat.dougherty@ncc.govt.nz>; Clare Wooding <clare.wooding@lgnz.co.nz>; Douglas Leeder (boprc.govt.nz) <douglas.leeder@boprc.govt.nz>; Andrew Robb (wrcr.govt.nz) <andrewr@wrcr.govt.nz>; alan.livingston@waikatoregion.govt.nz; Bill Bayfield <bill.bayfield@ecan.govt.nz>; Vaughan Payne <vaughan.payne@waikatoregion.govt.nz>; jon.roygard@horizons.govt.nz; Ken.Taylor@agresearch.co.nz; acanning@fishandgame.org.nz; Bryce.Cooper@niwa.co.nz; Clive Howard-Williams (niwa.co.nz) <clive.howard-williams@niwa.co.nz>; C.Daughney@gns.cri.nz; ClarksonB@landcareresearch.co.nz; Graham.Sevicke-Jones@es.govt.nz; ian.hawes@waikato.ac.nz; Jennifer.Webster-Brown@lincoln.ac.nz; Joanne Clapcott (cawthron.org.nz) <Joanne.Clapcott@cawthron.org.nz>; jon.roygard@horizons.govt.nz; Dr Marc Schallenberg <marc.schallenberg@otago.ac.nz>; Dr Mike Joy (vuw.ac.nz) <mike.joy@vuw.ac.nz>; R.G.Death@massey.ac.nz; Ra@kahungunuwairapa.iwi.nz; d.hikuroa@auckland.ac.nz

Cc: Vicky Robertson <Vicky.Robertson@mfe.govt.nz>; Katherine Meerman <Katherine.Meerman@mfe.govt.nz>; Martin Workman <martin.workman@mfe.govt.nz>; Janice Rodenburg <Janice.Rodenburg@mfe.govt.nz>

Subject: Essential Freshwater Update for Members of the FLG, KWM, STAG, and Regional Sector Group

Kia ora koutou

There has been a lot going on with the Essential Freshwater project, so I want to give you an update on recent events, and propose some next steps.

Yesterday officials met with a small number of representatives from primary sector groups to test ideas arising from our work programme, and so provided the groups with the attached confidential documents. All of the ideas, bar one significant issue relating to nitrogen control, had been traversed earlier with the Essential Freshwater advisory groups.

I very much regret that the meeting occurred before this issue had been considered by the advisory groups. Options for nitrogen control (and other issues) are still under consideration. No final decisions have been proposed to Ministers or made.

It is also regrettable that at least one of the primary sector groups appears to have forwarded the documents to others, in contrast to the practice of the advisory groups and MfE.

We want to remedy the situation. I would like to invite you to a meeting of all advisory group members at **1 to 3pm on Wednesday 5 June 2019** in Wellington (venue to be confirmed) and to seek your feedback on the documents, the latest policy proposals, and any other matters you would like to raise. This recognises that the advisory groups are the primary source of advice for Ministers and officials on the Essential Freshwater package, and we want to get your further input at this critical time.

I understand this is short notice. We will provide for video or phone conferencing for people unable to join the meeting in person. We will send you a meeting invite with more details soon.

We must soon complete advice for Cabinet consideration, and your feedback will be helpful in finalising this. We can also discuss the Essential Freshwater process from here.

Meanwhile I'm pleased to confirm that our shared objectives around improving freshwater are supported by today's Wellbeing Budget. The Government announced a \$229 million Sustainable Land Use Package. This includes support for improving consistency between councils, better compliance and enforcement, better engagement with Māori, and improving scientific knowledge to inform plan development. It also includes funding to improve water quality in at-risk catchments and wetlands. Here is a link to the media release.

<https://www.beehive.govt.nz/release/transforming-economy>

Thank you for all the energy, passion and hard work you are putting into improving New Zealand's freshwater. Ministers and officials look forward to continuing work with you on this important project.

Ngā mihi
Cheryl

Cheryl Barnes – Deputy Secretary, Water & Climate Change

Ministry for the Environment – Manatū Mō Te Taiao

Mobile: 022 068 3941 Email: cheryl.barnes@mfe.govt.nz Website: www.mfe.govt.nz

Kate Sheppherd Place, Wellington



***Making Aotearoa New Zealand
the most liveable place in the world***
Aotearoa – he whenua mana kura mō te tangata



Released under the Official Information Act 1982

From: [Janice Rodenburg](#)
To: [Cheryl Barnes](#); [Nicola Green](#)
Cc: [Clare Wooding](#); [Vaughan Payne](#)
Subject: RE: Essential Freshwater Integration Group: Next Steps (First action - draft documents for feedback on errors or omissions by 3pm, Friday)
Date: Friday, 21 June 2019 5:03:11 PM
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Thanks Nicki, and huge apologies for getting the group name wrong. I should know better! Really useful comments, in a couple of cases I will need to talk to Jo about details so for now I have just noted in pink that there is more work to do on the text.

Thanks to you and your colleagues for your huge contribution this week.

Cheers, Janice

From: Cheryl Barnes <Cheryl.Barnes@mfe.govt.nz>
Sent: Friday, 21 June 2019 3:21 PM
To: Nicola Green <Nicola.Green@boprc.govt.nz>; Janice Rodenburg <Janice.Rodenburg@mfe.govt.nz>
Cc: Clare Wooding <clare.wooding@lgnz.co.nz>; Vaughan Payne <vaughan.payne@waikatoregion.govt.nz>
Subject: RE: Essential Freshwater Integration Group: Next Steps (First action - draft documents for feedback on errors or omissions by 3pm, Friday)

Thanks Nicki, noted and comments passed to Janice for inclusion in the next iteration.

Nga mihi
Cheryl

Cheryl Barnes, Deputy Secretary, Water & Climate Change

Ministry for the Environment – Manatu Mo Te Taiao

Mobile: 022 068 3941 Email: cheryl.barnes@mfe.govt.nz Website: www.mfe.govt.nz

No.3 The Terrace, PO Box 10362, Wellington 6143

MfE Logo



From: Nicola Green <Nicola.Green@boprc.govt.nz>
Sent: Friday, 21 June 2019 3:19 p.m.
To: Cheryl Barnes <Cheryl.Barnes@mfe.govt.nz>
Cc: Clare Wooding <clare.wooding@lgnz.co.nz>; Vaughan Payne

<vaughan.payne@waikatoregion.govt.nz>

Subject: RE: Essential Freshwater Integration Group: Next Steps (First action - draft documents for feedback on errors or omissions by 3pm, Friday)

Hi Cheryl

As agreed, I have flown through the report and marked up RSWS position that we expressed during the week or previously, where I think it needs to be in the document [Andrew, I checked alignment with your comments also].

That being said, I will need to run all of these by RSWS Monday/Tuesday for approval, so we look forward to receiving your next version.

- Note that we are anticipating a final statement from STAG about DIN/DRP on Monday. That may influence RSWS position.
- We were asked at the meeting to more clearly state RSWS position about mandatory FEPs. Chris and I will provide a draft statement to RSWS to consider.
- RSWS may also want to update their final advice to the minister based on some of the changes/new information that have developed during the week. Again, I am working on some notes for them about this.

Thanks Cheryl and team for your effort to fairly record views.

Regards

Nicki Green

Principal Advisor (Policy and Planning)

Bay of Plenty Regional Council Toi Moana

P: 0800 884 880 **DD:** 0800 884 881 x8342

E: Nicola.Green@boprc.govt.nz

M: 021 649 802 **W:** www.boprc.govt.nz

A: PO Box 364, Whakatane 3158, New Zealand

Thriving together – mo te taiao, mo nga tangata

Note: I work part time and my normal working hours are:

Monday, Tuesday, Wednesday 8:00-5:00pm

Thursday 8:00am-3:30pm

Every second Friday 8:30-3:00pm

From: Cheryl Barnes [<mailto:Cheryl.Barnes@mfe.govt.nz>]

Sent: Friday, 21 June 2019 12:08 p.m.

To: Adam Canning; Dewesa (landcorp); Andrew Parrish (andrew.parrish@ecan.govt.nz); Chris McLay (Chris.McLay@waikatoregion.govt.nz); Dr Bryce Cooper; Joanne Clapcott (cawthron.org.nz); Gary (EDS); Graeme Gleeson; Hon Dover Samuels (Matua Dover); Hugh Logan; Maia Wikaira (Project Manager / Technical Advisor); Millan Ruka ; Nicola Green; Riki Ellison

Cc: Janice Rodenburg; Bryan Smith; Martin Workman; Katherine Meerman; Lucy Bolton; Steve Rylands

Subject: Essential Freshwater Integration Group: Next Steps (First action - draft documents for feedback on errors or omissions by 3pm, Friday)

Hi all,

As promised, attached are two documents for you to **provide feedback on any errors or omissions only, by 3pm today.**

1. **Draft discussion document** - reflecting the integration group's discussions this week; and noting (for transparency) issues where officials may have different views.

In particular, appreciate if you could check that the areas highlighted in blue accurately reflect your views as expressed in the discussion this week and the reports we have to date. This is the bit we need feedback on by 3pm.

[Note that we have just received some comments from Adam Canning that will be incorporated into the next version, to come to you by 4pm.]

2. **Summary Table** - the document that Janice has been producing over the week, collating comments and views on each key issue.

Officials have added (for transparency) a column noting where there are (or may be) different advice from officials.

Note that this is still a work in progress, and does not yet fully align with the officials' comments in the discussion document. We are also still waiting for MPI's comments, which will be in the next iteration.

From here, no later than 4pm today, I'll circulate both documents, picking up any errors or omissions you identify, to all members of the Advisory Groups for your discussions ahead of and at your meetings next week.

As ever, any questions or concerns, give me a call.

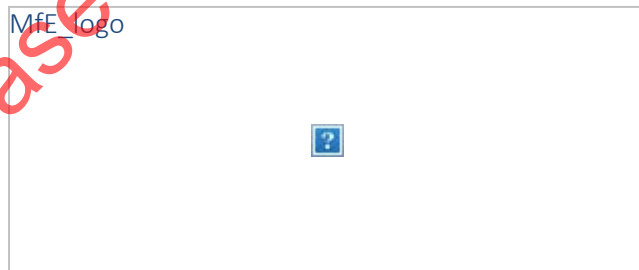
Nga mihi
Cheryl

Cheryl Barnes, Deputy Secretary, Water & Climate Change

Ministry for the Environment – Manatu Mo Te Taiao

Mobile: 022 068 3941 Email: cheryl.barnes@mfe.govt.nz Website: www.mfe.govt.nz

No.3 The Terrace, PO Box 10362, Wellington 6143



From: Cheryl Barnes

Sent: Thursday, 20 June 2019 2:57 p.m.

To: Adam Canning <acanning@fishandgame.org.nz>; Dewesa (landcorp)

<dewesa@landcorp.co.nz>; Andrew Parrish (andrew.parrish@ecan.govt.nz)
 <andrew.parrish@ecan.govt.nz>; Chris McLay (Chris.McLay@waikatoregion.govt.nz)
 <Chris.McLay@waikatoregion.govt.nz>; Dr Bryce Cooper <Bryce.cooper@niwa.co.nz>; Joanne Clapcott (cawthron.org.nz) <Joanne.Clapcott@cawthron.org.nz>; Gary (EDS) <gary@eds.org.nz>; Graeme Gleeson <gbg.redley@xtra.co.nz>; Hon Dover Samuels (Matua Dover) <dovejoanna@xtra.co.nz>; Hugh Logan <hugh.logan@xtra.co.nz>; Maia Wikaira (Project Manager / Technical Advisor) <maia@whaialegal.co.nz>; Millan Ruka <millan@wairuaenergy.co.nz>; Nicki (Nicola) Green (Nicola.Green@boprc.govt.nz) <Nicola.Green@boprc.govt.nz>; Riki Ellison <riki@wakataurua.co.nz>
Cc: Janice Rodenburg <Janice.Rodenburg@mfe.govt.nz>; Bryan Smith <Bryan.Smith@mfe.govt.nz>; Martin Workman <martin.workman@mfe.govt.nz>; Katherine Meerman <Katherine.Meerman@mfe.govt.nz>; Lucy Bolton <Lucy.Bolton@mfe.govt.nz>
Subject: Essential Freshwater Integration Group: Next Steps

Kia ora koutou,

Thank you once again for the time and energy you continue to put into the Essential Freshwater work, and in particular for the intensive work this week.

This note captures the immediate actions from here, as I understand they were agreed at the close of today's hui. Please let me know asap if I have not captured this correctly, or if anything is unclear.

Nga mihi
 Cheryl

Product	Process	Action required	MfE contact
1. Draft discussion document Draft discussion document, reflecting the integration group's discussions this week; and noting (for transparency) issues where officials may have different views	(a) To be circulated to the Integration Group no later than 12pm Friday 21 June: - In hard copy to MfE room 1C (done) - By email to the whole integration group (b) With any errors or emissions corrected, to be circulated by email to all Advisory Group members no later than 4pm Friday 21 June	Feedback from integration group members on any errors or omissions by email to Janice by 3pm Friday. For discussion amongst Advisory Group members; including at next week's meetings	Janice Rodenburg Cheryl Barnes
2. Summary Table The document that Janice has been producing over the	(a) To be circulated to the Integration Group no later than 12pm Friday 21 June:	Feedback from integration group members on any	Bryan Smith

week, collating comments and views on each key issue. Officials will add (for transparency) a column noting where there are (or may be) different advice from officials.	- In hard copy to MfE room 1C - By email to the whole integration group (b) With any errors or emissions corrected, to be circulated by email to all Advisory Group members no later than 4pm Friday 21 June	errors or omissions by email to Bryan by 3pm Friday. For discussion amongst Advisory Group members; including at next week's meetings	Cheryl Barnes
3. Additional information on stock exclusion	(a) To be circulated by email to all Advisory Group meetings no later than 4pm Monday 24th June	For discussion amongst Advisory Group members; including at next week's meetings	Bryan Smith
4. Draft NPS & NES	(a) Will <u>not</u> be included in the papers sent to Ministers on Thursday 27th June. (b) Issues emphasised by the Integration Group as being critical for drafting (in addition to the broader conversation) are: • Te Mana o Te Wai • Nutrient attribute tables to be included and accurately reflected per STAG's advice • Must ensure policies are effective and meet water quality objectives • Must reflect the implications in practice.	None at this stage Officials will work with Ministers and Chairs on the best way to engage with Advisory Groups on drafts of the NPS and NES.	Cheryl Barnes

Timetable from here (subject to change)

- Thursday 27th June: Draft discussion document, with copies of the final reports from each of the Advisory Groups attached, sent to Ministers Parker and O'Connor.
- 27th June through July Ministerial consideration of advice; cross-party consultation;

- finalisation of papers seeking Cabinet decisions on documents for public consultation
- Late July – early August (subject to Ministerial consideration and cross party consultation): Cabinet consideration and decisions
- August: public announcements and opening of consultation process
- August-October: public consultation
- November-December: final Cabinet decisions on the package.

Cheryl Barnes – Deputy Secretary, Water & Climate Change

Ministry for the Environment – Manatu Mo Te Taiao

Mobile: 022 068 3941 Email: cheryl.barnes@mfe.govt.nz Website: www.mfe.govt.nz

Kate Sheppherd Place, Wellington

MfE_logo



Please Note: The information contained in this e-mail message and any attached files may be confidential information, and may also be the subject of legal professional privilege. It is not necessarily the official view of the Ministry for the Environment. If you are not the intended recipient, any use, disclosure or copying of this e-mail is unauthorised. If you have received this e-mail in error, please notify us immediately by reply e-mail and delete the original. Thank you.

Disclaimer: This message and accompanying data may contain information that is confidential or subject to legal privilege. If you are not the intended recipient you are notified that any use, dissemination, distribution or copying of this message or data is prohibited. If you received this email in error, please notify us immediately and erase all copies of the message and attachments. We apologise for the inconvenience. Thank you.

From: Lucy Bolton
To: Cheryl Barnes; asykes@annettesykes.com; s 9(2)(a); jacinta.ruru@otago.ac.nz; s 9(2)(a); kingi@wairarapamoana.org.nz; s 9(2)(a); millan@wairuaenergy.co.nz; s 9(2)(a); paul@fomana.co.nz; riki@wakataurua.co.nz; Janira.Kingi@scionresearch.com; Traci (thcg); s 9(2)(a); s 9(2)(a); John W Penno; s 9(2)(a); Dewesa (landcorp); Steph Howard; Gary (EDS); Bryce Johnson; Corina Jordan; Allen (Jadegarden); Mandy Bell; Hugh Logan; Graeme Gleeson; Marnie (Choosecleanwater); Dr Marc Schallenberg; N.M Shadbolt; Tom Lambie; governance@ecan.govt.nz; Fiona McTavish (boprc.govt.nz); Iain Maxwell (hbrc.govt.nz); Mike Scarsbrook (waikatoregion.govt.nz); James Palmer (hbrc.govt.nz); Pat Dougherty; Clare Wooding; Douglas Leeder (boprc.govt.nz); Andrew Robb (werc.govt.nz); alan.livingston@waikatoregion.govt.nz; Bill Bayfield; Vaughan Payne; jon.roygard@horizons.govt.nz; Ken.Taylor@agresearch.co.nz; acanning@fishandgame.org.nz; Bryce.Cooper@niwa.co.nz; Clive Howard-Williams (niwa.co.nz); C.Daughney@gns.cri.nz; ClarksonB@landcareresearch.co.nz; Graham.Sevicke-Jones@es.govt.nz; ian.hawes@waikato.ac.nz; Jennifer.Webster-Brown@lincoln.ac.nz; Joanne Clapcott (cawthron.org.nz); jon.roygard@horizons.govt.nz; Dr Marc Schallenberg; Dr Mike Joy (vuw.ac.nz); R.G.Death@massey.ac.nz; Ra@kahungunuwairarapa.iwi.nz; d.hikuroa@auckland.ac.nz; Adam Canning; Dewesa (landcorp); Andrew Parrish (andrew.parrish@ecan.govt.nz); Chris McLay (Chris.McLay@waikatoregion.govt.nz); Dr Bryce Cooper; Joanne Clapcott (cawthron.org.nz); Gary (EDS); Graeme Gleeson; Hon Dover Samuels (Matua Dover); Hugh Logan; Maia Wikaira (Project Manager / Technical Advisor); Millan Ruka; Nicki (Nicola) Green (Nicola.Green@boprc.govt.nz); Riki Ellison
Cc: Vicky Robertson; Katherine Meerman; Martin Workman; Janice Rodenburg; John Blincoe (john.blincoe@parliament.govt.nz); Steve Rylands; Jo Burton; Nick Vincent; Jennifer Price; Matthew Cunningham; Bryan Smith
Subject: RE: Essential Freshwater: Update for Members of the FLG, KWM, STAG, and Regional Sector Group - Next Steps from the Integration Group Meetings
Date: Tuesday, 25 June 2019 11:42:38 AM
Attachments: image001.png
image002.png
image003.png
image004.png
25.06.2019 - STAG report addendum - Nutrient metrics for circulation to working groups.docx

Kia ora koutou

A further update to all members.

Please see attached an update to the STAG report. This is still draft, but has updated content specifically on the nutrient attribute proposals.

Lucy

From: Cheryl Barnes <Cheryl.Barnes@mfe.govt.nz>
Sent: Monday, 24 June 2019 4:08 PM
To: asykes@annettesykes.com; s 9(2)(a); jacinta.ruru@otago.ac.nz; s 9(2)(a); kingi@wairarapamoana.org.nz; s 9(2)(a); millan@wairuaenergy.co.nz; s 9(2)(a); paul@fomana.co.nz; riki@wakataurua.co.nz; Tanira.Kingi@scionresearch.com; Traci (thcg) <traci@thcg.co.nz>; s 9(2)(a); John W Penno; s 9(2)(a); Dewesa (landcorp) <dewesa@landcorp.co.nz>; Steph Howard s 9(2)(a); Gary (EDS) <gary@eds.org.nz>; Bryce Johnson s 9(2)(a); Corina Jordan <corina.jordan@beeflambnz.com>; Allen (Jadegarden) <allen@jadegarden.co.nz>; Mandy Bell <mandy@agresourced.co.nz>; Hugh Logan s 9(2)(a); Graeme Gleeson <gbg.redley@xtra.co.nz>; Marnie (Choosecleanwater) <marnie@choosecleanwater.org.nz>; Dr Marc Schallenberg <marc.schallenberg@otago.ac.nz>; N.M Shadbolt <n.m.shadbolt@massey.ac.nz>; Tom Lambie <tom.lambie@ecan.govt.nz>; governance@ecan.govt.nz; Fiona McTavish (boprc.govt.nz) <Fiona.McTavish@boprc.govt.nz>; Iain Maxwell (hbrc.govt.nz) <iain@hbrc.govt.nz>; Mike Scarsbrook (waikatoregion.govt.nz) <Mike.Scarsbrook@waikatoregion.govt.nz>; James Palmer (hbrc.govt.nz) <james.palmer@hbrc.govt.nz>; Pat Dougherty <pat.dougherty@ncc.govt.nz>; Clare Wooding

<clare.wooding@lgnz.co.nz>; Douglas Leeder (boprc.govt.nz) <douglas.leeder@boprc.govt.nz>; Andrew Robb (wrcr.govt.nz) <andrewr@wrcr.govt.nz>; alan.livingston@waikatoregion.govt.nz; Bill Bayfield <bill.bayfield@ecan.govt.nz>; Vaughan Payne <vaughan.payne@waikatoregion.govt.nz>; jon.roygard@horizons.govt.nz; Ken.Taylor@agresearch.co.nz; acanning@fishandgame.org.nz; Bryce.Cooper@niwa.co.nz; Clive Howard-Williams (niwa.co.nz) <clive.howard-williams@niwa.co.nz>; C.Daughney@gns.cri.nz; ClarksonB@landcareresearch.co.nz; Graham.Sevicke-Jones@es.govt.nz; ian.hawes@waikato.ac.nz; Jennifer.Webster-Brown@lincoln.ac.nz; Joanne Clapcott (cawthron.org.nz) <Joanne.Clapcott@cawthron.org.nz>; jon.roygard@horizons.govt.nz; Dr Marc Schallenberg <marc.schallenberg@otago.ac.nz>; Dr Mike Joy (vuw.ac.nz) <mike.joy@vuw.ac.nz>; R.G.Death@massey.ac.nz; Ra@kahungunuwairarapa.iwi.nz; d.hikuroa@auckland.ac.nz; Adam Canning <acanning@fishandgame.org.nz>; Dewesa (landcorp) <dewesa@landcorp.co.nz>; Andrew Parrish (andrew.parrish@ecan.govt.nz) <andrew.parrish@ecan.govt.nz>; Chris McLay (Chris.McLay@waikatoregion.govt.nz) <Chris.McLay@waikatoregion.govt.nz>; Dr Bryce Cooper <Bryce.cooper@niwa.co.nz>; Joanne Clapcott (cawthron.org.nz) <Joanne.Clapcott@cawthron.org.nz>; Gary (EDS) <gary@eds.org.nz>; Graeme Gleeson <gbg.redley@xtra.co.nz>; Hon Dover Samuels (Matua Dover) <dovejoanna@xtra.co.nz>; Hugh Logan <hugh.logan@xtra.co.nz>; Maia Wikaira (Project Manager / Technical Advisor) <maia@whaialegal.co.nz>; Millan Ruka <millan@wairuaenergy.co.nz>; Nicki (Nicola) Green (Nicola.Green@boprc.govt.nz) <Nicola.Green@boprc.govt.nz>; Riki Ellison <riki@wakataurua.co.nz>

Cc: Vicky Robertson <Vicky.Robertson@mfe.govt.nz>; Katherine Meerman <Katherine.Meerman@mfe.govt.nz>; Martin Workman <martin.workman@mfe.govt.nz>; Janice Rodenburg <Janice.Rodenburg@mfe.govt.nz>; John Blincoe (john.blincoe@parliament.govt.nz) <john.blincoe@parliament.govt.nz>; Lucy Bolton <Lucy.Bolton@mfe.govt.nz>; Steve Rylands <Steve.Rylands@mfe.govt.nz>; Jo Burton <Jo.Burton@mfe.govt.nz>; Kirsten Forsyth <Kirsten.Forsyth@mfe.govt.nz>

Subject: RE: Essential Freshwater: Update for Members of the FLG, KWM, STAG, and Regional Sector Group - Next Steps from the Integration Group Meetings

Kia ora koutou,

This email follows up on the Integration Group's request for further information on how the proposed 5 metre setback for stock exclusion would operate in practice. It delivers on the action I committed to on this in the email below.

In particular, the Integration Group were interested in where the 5m setback would be measured from. In the time available, we have not been able to reach a conclusion on this point. However we agree with the Group that this issue needs further consideration, including the approach identified by the Group of using the riverbank as the reference point for the 5m setback.

We are likely to propose including alternative options to using the wetted area as the basis for the setback, including using the riverbank, in the discussion document. We will continue to work on the technical issues needed to support this approach.

Ngā mihi
Cheryl

Cheryl Barnes ♦ Deputy Secretary, Water & Climate Change

Ministry for the Environment ♦ Manatū Mātā Te Taiao

Mobile: 022 068 3941 Email: cheryl.barnes@mfe.govt.nz Website: www.mfe.govt.nz

Kate Sheppherd Place, Wellington

MfE_logo



From: Cheryl Barnes

Sent: Friday, 21 June 2019 5:08 PM

Subject: Essential Freshwater: Update for Members of the FLG, KWM, STAG, and Regional Sector Group - Next Steps from the Integration Group Meetings

Kia ora koutou

This email give you an update on the work of the Integration Group this week, and sets out the next steps for the next week in particular.

Once again, thank you to the members of the Integration Group, and those of your members who connected with in the Advisory Groups, over what has been an intensive week.

Please let me know if I have not captured this correctly, or if anything is unclear.

Ngā mihi
Cheryl

Integration Group: Agreements

Product	Process	Action required	MfE contact
1. Draft discussion document Draft discussion document, reflecting the integration group's discussions this week; and noting (for transparency)	The Integration Group took a decision to convey the Advisory Groups' advice in the form of a draft discussion document. A draft of this document, reflecting discussions this week, is attached. (If we have not accurately picked up any	For discussion amongst Advisory Group members; including at next week's meetings. Any further feedback on how	Janice Rodenburg or Cheryl Barnes

issues where MfE may have different views	comments, this is inadvertent and due to the pace of work. Please let Janice know.) The draft also notes the places where MfE have, or may have, different views. This is provided for transparency to both yourselves and Ministers. Any further feedback on how the Advisory Groups' views are conveyed in the discussion document is to be provided from Advisory Groups no later than 12pm Wednesday 26th June. The document will go to Ministers Parker and O'Connor at 2pm on Thursday 27th June. Copies of all 4 Groups' final reports will be attached in full. To note, Ministers will also receive at this point a draft Regulatory Impact Statement and a draft covering Cabinet Paper. These are Ministerial documents, and the usual protocol that these are not shared before Ministerial consideration applies.	the Advisory Groups' views are conveyed in the discussion document to be provided before or during these meetings, and no later than 12pm Wednesday.	
2. Summary Table A tidy version of the document that has been produced over this week, collating positions and recommendations from the Integration Group on each key issue.	The Integration Group's positions and recommendations on each issue in the package have been captured in a summary table. A copy of this document is attached. This document has been checked by members of the	For discussion amongst Advisory Group members; including at next week's meetings	Bryan Smith or Cheryl Barnes

MfE have added (for transparency) a column noting where there are (or may be) different advice from MfE.	Integration Group and it incorporates their feedback on the sections that reflect their views. (If we have not accurately picked these up, this is inadvertent and due to the pace of work. Please let Bryan know.) The document also notes the places where MfE have, or may have, different views. This part of the document is not yet final, as officials are still working through it in light of discussions this week. The document will go to Ministers Parker and O'Connor at 2pm on Thursday 27th June.		
3. Additional information on stock exclusion	The Integration Group requested further information on how the proposed 5 metre setback for stock exclusion would operate in practice. This is being worked on, and will be circulated by email to all Advisory Group members no later than 4pm Monday 24th June	For discussion amongst Advisory Group members; including at next week's meetings	Bryan Smith
4. Draft NPS & NES	The Integration Group requested that drafts of the NPS and NES <u>not</u> be included in the papers sent to Ministers on Thursday 27th June. This reflects that the policy work is still being completed, and therefore it is too early to produce draft regulations in a useful form. This advice has been accepted by Minister Parker's office.	Officials will continue to work with KWM on Te Mana o te Wai and a mandatory Māori value. Officials will seek direction from Ministers on the best way to engage with Advisory Groups on the drafts of the NPS	Cheryl Barnes

	To note, the issues emphasised by the Integration Group as being critical for drafting (in addition to the broader conversation) are: ◆ Te Mana o Te Wai ◆ Nutrient attribute tables to be included and accurately reflected per STAG's advice ◆ Must ensure policies are effective and meet water quality objectives ◆ Must reflect the implications in practice. Officials will convey these points to the drafting team. Note that discussions between officials and KWM on Te Mana o te Wai and a mandatory Māori value will be ongoing, and will feed into the drafting of the NPS. Officials will seek direction from Ministers on the best way to engage with Advisory Groups on the drafts of the NPS and NES being developed for Cabinet consideration.	and NES being developed for Cabinet consideration.	
--	---	--	--

Meetings in the week of 24 June

- ◆ Monday 24th June: STAG Meeting (9.30am to 4.30pm; Terrace Conference Centre)
- ◆ Tuesday 25th June:
 - FLG Meeting (9am to 5pm; Simpson Grierson Boardroom; HSBC Tower, Lambton Quay)

- o Regional Sector Water Sub Group (10am to 4pm; Thistle Inn, Mulgrave Street)
- o KWM (9am to 5pm; Terrace Conference Centre)
- ◆ Wednesday 26th June: KWM (9am to 12pm; James Cook Hotel).

Timetable from here (subject to change)

- ◆ Thursday 27th June: Draft discussion document, with copies of the final reports from each of the Advisory Groups attached, sent to Ministers Parker and O◆ Connor.
- ◆ 27th June through July: Ministerial consideration of advice; cross-party consultation; finalisation of papers (and associated drafts of the NPS and NES), seeking Cabinet decisions on documents for public consultation
- ◆ Late July ◆ early August (subject to Ministerial consideration and cross party consultation): Cabinet consideration and decisions on what to consult on; including drafts of the NPS and NES reflecting Ministers◆ views
- ◆ August: public announcements and opening of consultation process
- ◆ August-October: public consultation
- ◆ December-February: final Cabinet decisions on the package
- ◆ Mid 2020 ◆ regulations come into force.

Documents on the Portal

Material that the Integration Group has been drawing on this week is available on the portal for the wider groups◆ reference:

- ◆ Near final STAG report
- ◆ Maps showing the impact of NOF periphyton and N toxicity
- ◆ Ag Research and MRB farm case study reports
- ◆ Professor Hamilton◆s review of in-stream nutrients

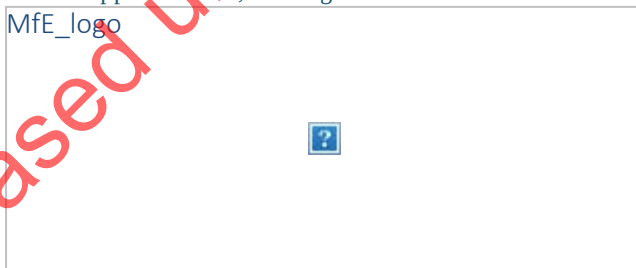
Cheryl Barnes ◆ Deputy Secretary, Water & Climate Change

Ministry for the Environment ◆ Manat◆ M◆ Te Taiao

Mobile: 022 068 3941 Email: cheryl.barnes@mfe.govt.nz Website: www.mfe.govt.nz

Kate Sheppherd Place, Wellington

MfE_logo



From: [Ewan Kelsall](#)
To: [Martin Workman](#)
Subject: RE: Federated Farmers Board Meeting
Date: Thursday, 6 June 2019 5:00:27 PM

Hi Martin,

Thanks for letting us know, that is understandable given the circumstances.

I apologise for the inconvenience this has caused you.

Kind regards

Ewan

From: Martin Workman <martin.workman@mfe.govt.nz>
Sent: Thursday, 6 June 2019 4:29 p.m.
To: Ewan Kelsall <EKelsall@fedfarm.org.nz>
Cc: Jacqui Webber <JWebber@fedfarm.org.nz>; Terry Copeland <TCopeland@fedfarm.org.nz>; Cheryl Barnes <Cheryl.Barnes@mfe.govt.nz>
Subject: Re: Federated Farmers Board Meeting

Hi

MfE will no longer be able to attend the Board meeting. The recent sharing of confidential information provided to primary sector groups means we are not able to share further information on Essential Freshwater.

Regards
Martin

Sent from my iPhone

On 22/05/2019, at 3:00 PM, Ewan Kelsall <EKelsall@fedfarm.org.nz> wrote:

Hi Martin,

Good idea. I think it would be really helpful to have some insight into that side of things.

Cheers

Ewan

From: Martin Workman <martin.workman@mfe.govt.nz>
Sent: Wednesday, 22 May 2019 1:56 p.m.
To: Ewan Kelsall <EKelsall@fedfarm.org.nz>
Cc: Jacqui Webber <JWebber@fedfarm.org.nz>; Terry Copeland <TCopeland@fedfarm.org.nz>
Subject: RE: Federated Farmers Board Meeting

Hi Ewan

Would the Board be OK with me bringing along John Penno the chair of the Freshwater Leaders advisory group that the Government set up to help prepare the Essential Freshwater package?

Cheers

Martin

From: Ewan Kelsall <EKelsall@fedfarm.org.nz>
Sent: Friday, 17 May 2019 3:39 PM
To: Martin Workman <martin.workman@mfe.govt.nz>
Cc: Jacqui Webber <JWebber@fedfarm.org.nz>; Terry Copeland <TCopeland@fedfarm.org.nz>
Subject: Federated Farmers Board Meeting

Hi Martin,

As discussed we would like to invite you to our next National Board meeting to discuss progress on the Essential Freshwater work programme.

We have an hour available in the afternoon of Tuesday 18 June.

Can you please let Jacqui (CC'd in) know if this works for you or your team.

Thanks

EWAN KELSALL
Senior Policy Advisor, National Water and Environment

Federated Farmers of New Zealand
Level 6, Wellington Chambers
154 Featherston Street
PO Box 715, Wellington 6140

P 027 551 1629
www.fedfarm.org.nz

<image001.jpg>

This email communication is confidential between the sender and the recipient. The intended recipient may not distribute it without the permission of the sender. If this email is received in error, it remains confidential and you may not copy, retain or distribute it in any manner. Please notify the sender immediately and erase all copies of the message and all attachments. Thank you.

Please Note: The information contained in this e-mail message and any attached files may be confidential information, and may also be the subject of legal professional privilege. It is not necessarily the official view of the Ministry for the Environment. If you are not the intended recipient, any use, disclosure or copying of this e-mail is unauthorised. If you have received this e-mail in error, please notify us immediately by reply e-mail and delete the original. Thank you.

This email communication is confidential between the sender and the recipient. The intended recipient may not distribute it without the permission of the sender. If this email is received in error, it remains confidential and you may not copy, retain or distribute it in any manner. Please notify the sender immediately and erase all copies of the message and all attachments. Thank you.

This email communication is confidential between the sender and the recipient. The intended recipient may not distribute it without the permission of the sender. If this email is received in error, it remains confidential and you may not copy, retain or distribute it in any manner. Please notify the sender immediately and erase all copies of the message and all attachments. Thank you.

Released under the Official Information Act 1982

From: [Chris Daughney](#)
To: [Clive Howard-Williams \(niwa.co.nz\)](#); [Ian Hawes](#); [Bryce Cooper](#); [Jon Roygard](#)
Subject: Re: Hopefully Semi-Final synthesis attached for your URGENT last comments
Date: Thursday, 6 June 2019 7:54:14 PM
Attachments: [image001.png](#)
[Untitled attachment 00007.txt](#)

Hi all
the revised version is fine with me , including Jon's edits.
Cheers
CD

Get [Outlook for Android](#)

From: Jon Roygard <jon.roygard@horizons.govt.nz>
Sent: Thursday, June 6, 2019 4:42:44 PM
To: Clive Howard-Williams (niwa.co.nz); Ian Hawes; Bryce Cooper; Chris Daughney
Subject: RE: Hopefully Semi-Final synthesis attached for your URGENT last comments

Hi All

Thanks for your collective efforts on this. Please find attached a few very minor amendments track changed in. Thanks Clive for coordinating this.

Cheers

Jon

Jon Roygard
Group Manager Natural Resources and Partnerships
06 952 2848; 021 227 7152

From: Clive Howard-Williams <Clive.Howard-Williams@niwa.co.nz>
Sent: Thursday, 6 June 2019 9:42 AM
To: Ian Hawes <ian.hawes@waikato.ac.nz>; Bryce Cooper <Bryce.Cooper@niwa.co.nz>; Chris Daughney <Chris.Daughney@mfe.govt.nz>; Jon Roygard <jon.roygard@horizons.govt.nz>
Subject: Hopefully Semi-Final synthesis attached for your URGENT last comments

Dear Bryce, Ian, Chris and Jon

Urgent Consideration needed of the 3-page synthesis of comments please.

Apologies for more (hopefully last) of this material.

I am aware that you all have had one look at the 3-page synthesis of our comments but since yesterday there have been a few changes as a result of Jon's comments and the meeting Bryce and I attended yesterday at MfE which was to map the status and next steps of the combined Essential Freshwater groups reports. As a result of that meeting, it was clear to us that the synthesis section needs to be as succinct as possible with only the very key points we want to make presented. Detail of our individual comments will be in the Appendix (also attached) that will go to the STAG but our synthesis section will probably go wider. The other groups will not be interested in the detail.

This document needs to be finalised and go to Ken and MfE tomorrow at the latest, unless one of you sees a major problem. Thus, I would appreciate any comments (In Track Changes mode please) on the 3-page synthesis today if possible.

Also make any changes to your individual comments in the Appendix if you so wish.

Thanks to all for your patience and it is clear this document will be an important part of on-going discussions.

Clive



Dr Clive Howard-Williams

Emeritus Scientist

T +64-3-343-7857 **M** +64-27-431-5037

National Institute of Water & Atmospheric Research Ltd (NIWA)

10 Kyle Street, Riccarton, Christchurch

Connect with NIWA: niwa.co.nz [Facebook](#) [Twitter](#) [LinkedIn](#) [Instagram](#)

To ensure compliance with legal requirements and to maintain cyber security standards, NIWA's IT systems are subject to ongoing monitoring, activity logging and auditing. This monitoring and auditing service may be provided by third parties. Such third parties can access information transmitted to, processed by and stored on NIWA's IT systems.

Horizons Regional Council | 24 hr freephone 0508 800 800 | www.horizons.govt.nz

T twitter.com/horizonsrc | **FB** facebook.com/horizonsregionalcouncil

This email is covered by the disclaimers which can be found by clicking [here](#).

From: [Cheryl Barnes](#)
To: [Clive Howard-Williams](#); [Taylor, Ken](#)
Cc: [Jennifer Price](#); [Chris Daughney](#); [Ian Hawes](#); [Bryce Cooper](#); [Jon Roygard \(jon.roygard@horizons.govt.nz\)](#)
Subject: RE: Nutrient attribute tables - Synthesis of comments on Kens questions
Date: Friday, 7 June 2019 4:43:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Many thanks Clive and team.

Ken – over to you on how you would like to circulate these, or bring together in the full STAG report.

Nga mihi
Cheryl

Cheryl Barnes – Deputy Secretary, Water & Climate Change

Ministry for the Environment – Manatu Mo Te Taiao

Mobile: 022 068 3941 Email: cheryl.barnes@mfe.govt.nz Website: www.mfe.govt.nz

Kate Sheppherd Place, Wellington

MfE_logo



From: Clive Howard-Williams <Clive.Howard-Williams@niwa.co.nz>
Sent: Friday, 7 June 2019 9:38 AM
To: Taylor, Ken <Ken.Taylor@agresearch.co.nz>; Cheryl Barnes <Cheryl.Barnes@mfe.govt.nz>
Cc: Jennifer Price <Jennifer.Price@mfe.govt.nz>; Chris Daughney <Chris.Daughney@mfe.govt.nz>; Ian Hawes <ian.hawes@waikato.ac.nz>; Bryce Cooper <Bryce.Cooper@niwa.co.nz>; Jon Roygard (jon.roygard@horizons.govt.nz) <jon.roygard@horizons.govt.nz>
Subject: Nutrient attribute tables - Synthesis of comments on Kens questions

Dear Ken and Cheryl, (cc Jennifer, Chris, Ian, Jon, Bryce)

The so-named 'cautious group' of STAG members responded in some detail to the questions you posed of us regarding the Weight of Evidence approach to the derivation of proposed nutrient Attribute Tables for the National Objectives Framework (NOF).

Ken requested that I combine the responses and provide a synthesis. Both are attached in a single document.

Our efforts are a reflection of the importance of ensuring that any new proposals for the NOF involve careful scientific scrutiny.

We thank you for the opportunity to provide comment and reiterate our commitment to the success of the STAG and the contribution it will make to the Essential Freshwater process.

Kind regards

Clive



Dr Clive Howard-Williams

Emeritus Scientist

T +64-3-343-7857 **M** +64-27-431-5037

National Institute of Water & Atmospheric Research Ltd (NIWA)

10 Kyle Street, Riccarton, Christchurch

Connect with NIWA: niwa.co.nz [Facebook](#) [Twitter](#) [LinkedIn](#) [Instagram](#)

To ensure compliance with legal requirements and to maintain cyber security standards, NIWA's IT systems are subject to ongoing monitoring, activity logging and auditing. This monitoring and auditing service may be provided by third parties. Such third parties can access information transmitted to, processed by and stored on NIWA's IT systems.

Released under the Official Information Act 1982

From: Ben Tait
To: Stephen Fragaszy
Subject: RE: Question about the Essential Freshwater Package
Date: Thursday, 13 June 2019 3:55:42 PM
Attachments: image001.png

Thanks Stephen, that is helpful.

Ben

From: Stephen Fragaszy [mailto:Stephen.Fragaszy@mfe.govt.nz]
Sent: Thursday, 13 June 2019 3:36 PM
To: Ben Tait <bentait@nrc.govt.nz>
Subject: RE: Question about the Essential Freshwater Package

Hi Ben,

I don't completely understand the scope of what you're looking to procure, but Landcare and NIWA have done the main part of our work on sediment impact testing (hydrological modelling to predict SS loads – report on website; modelling to predict turbidity/vc from sediment loads – draft available from databox link sent to you and/or Jean-Charles; Landcare – erosion modelling via NZEEM and linked with economic assessment from NZFARM). Morphum did our urban development impact testing which looked at hypothetical development contexts.

For much of the potential NES components, we carried out some of our impact testing using a model developed for the Ruamahanga catchment for Wellington Regional Council. The technical reports that describe the model and the results can be found here: http://www.gw.govt.nz/ruamahanga-technical-reports/#http://gwrc_live_cms/ruamahanga-technical-reports/ our work has not yet been published, but the work carried out for the council is available there.

Natasha Tomic (Natasha.Tomic@gw.govt.nz) is a useful contact if you want to explore this option further.

Hope this helps and happy to talk more about it if you have questions.

Regards,

Stephen Fragaszy – Policy analyst – Freshwater Policy – Water Directorate
Ministry for the Environment – Manatu Mo Te Taiao
Telephone: 022 493 0597; 021 0255 2260 Email: stephen.fragaszy@mfe.govt.nz Website: www.mfe.govt.nz
23 Kate Sheppard Place, Thorndon, Wellington 6143

<http://intranet/sites/all/files/Lockup-8pt.png>

From: Ben Tait <bentait@nrc.govt.nz>
Sent: Monday, 10 June 2019 2:48 PM
To: Stephen Fragaszy <Stephen.Fragaszy@mfe.govt.nz>
Subject: Question about the Essential Freshwater Package

Hi Stephen

I hope you are well. Quick question: aside from the sediment impact testing, are you aware of any national/regional/catchment economic modelling of the draft national stock exclusion regulations, other draft regs (for high-risk activities) and other potential national interventions? The reason I am asking is that we are looking into purchasing/commissioning a water quality model(s) that can:

- simulate/predict current water quality state in the region's rivers (for the main water quality parameters/attributes); and
- predict future states and the associated costs of different catchment interventions (e.g., good management practices, land uses, constructing wetlands, etc); and
- determines the least-cost combination of catchment interventions required to meet aspirational freshwater quality objectives.

Obviously we don't want to duplicate anything that is already in place, or spend money on getting information that already exists.

Many thanks

Ben

Ben Tait
Policy Specialist – Water | Policy and Planning

Northland Regional Council | Te Kaunihera a rohe o Te Taitokerau

DDI 09 470 1210 Ext. 9110

A 36 Water Street, Whangarei 0110

P 0800 002 004 **24 HR ENVIRONMENTAL HOTLINE** 0800 504 639

Please Note: The information contained in this e-mail message and any attached files may be confidential information, and may also be the subject of legal professional privilege. It is not necessarily the official view of the Ministry for the Environment. If you are not the intended recipient, any use, disclosure or copying of this e-mail is unauthorised. If you have received this e-mail in error, please notify us immediately by reply e-mail and delete the original. Thank you.

Released under the Official Information Act 1982

From: [James King](#)
To: [Samantha Judd](#)
Subject: Re: Quick question on telemetry of water use in your region ^^RE-34195^^
Date: Friday 14 June 2019 1:53:24 PM
Attachments: [image001.png](#)

Thanks. Raelene filled me in on those policies a while back. Seem very sensible.

From: Samantha Judd <Samantha.Judd@horizons.govt.nz>
Sent: Friday 14 June 2019 1:34:02 PM
To: James King
Subject: RE: Quick question on telemetry of water use in your region ^^RE-34195^^

Hi James

I'm really glad that was useful.

After a conversation around this yesterday I thought it might be beneficial to mention the only time that we really add telemetry for anything smaller will be if it is within a fully allocated catchment target catchment or specific area that has ecological values present that we are trying to protect monitor etc.

Kind Regards
Sam

From: James King <James.King@mfe.govt.nz>
Sent: Friday 7 June 2019 10:11 AM
To: Samantha Judd <Samantha.Judd@horizons.govt.nz>
Cc: Raelene Mercer <raelene.mercer@horizons.govt.nz>; Tracey Evans <tracey.evans@horizons.govt.nz>
Subject: RE: Quick question on telemetry of water use in your region ^^RE-34195^^

Thanks Samantha

That's a really useful breakdown of your numbers. It still seems 5 l/s a second is a good cut-off in terms of the costs and benefits of telemetry.

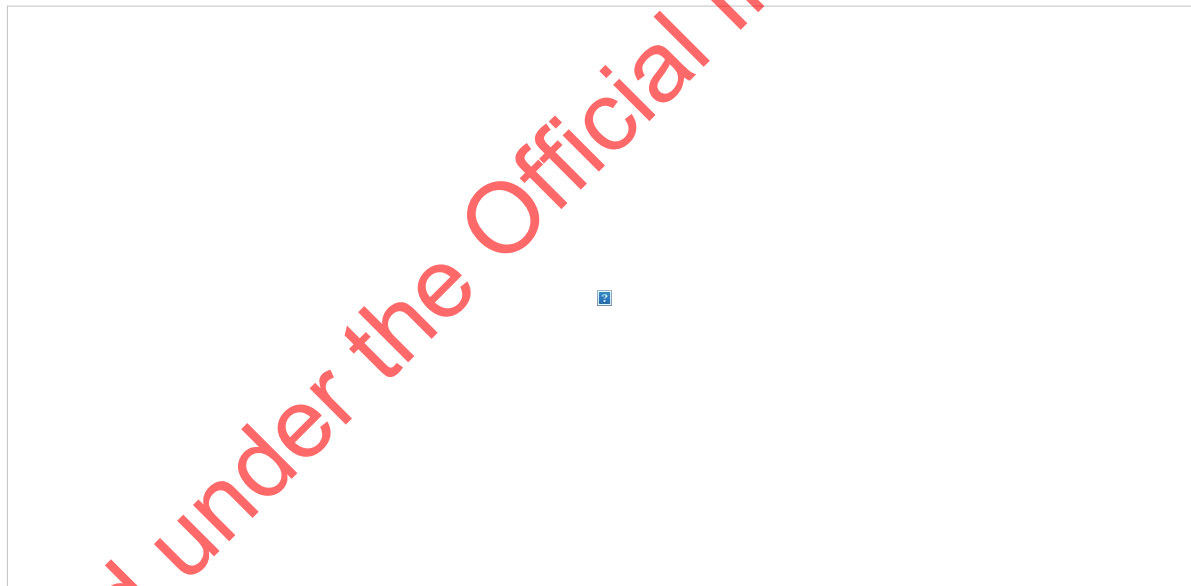
James

From: Samantha Judd <Samantha.Judd@horizons.govt.nz>
Sent: Tuesday 4 June 2019 3:33 PM
To: James King <James.King@mfe.govt.nz>
Cc: Raelene Mercer <raelene.mercer@horizons.govt.nz>; Tracey Evans <tracey.evans@horizons.govt.nz>
Subject: FW: Quick question on telemetry of water use in your region ^^RE-34195^^

Good afternoon James

Apologies in the delay in getting you the numbers as requested we were part way through an audit of our telemetry sites when your request came in and determined it would be best to finish this to give an accurate indication of percentages.

As per our phone conversation please find below the current resource consent authorisations that have automated water usage installed or configured (including those scheduled to be installed).



Kind Regards
Sam

Samantha Judd
Senior Information Management Specialist
001 629 52 2946 | M 021 629 516

From: Measurement and reporting of water takes working group <IRRIGATIONMETERING@LGCONNECT.CO.NZ> **On Behalf Of** James King
Sent: Tuesday, 7 May 2019 1:37 PM
To: IRRIGATIONMETERING@LGCONNECT.CO.NZ
Subject: Quick question on telemetry of water use in your region
Importance: High

Hi all,

I have a quick question for each region What percentage of consumptive consents of 5 l/s+ are currently telemetered in your region?

To remove ambiguity, this would be the percentage of consents captured by the 2010 Water Measurement Regulations that provide electronic records of water use over the cellular or other electronic networks to your council, either directly or via a third party provider

The information I have is missing or at least a couple of years old for most regions, so I need a quick update I have the rest of the information I need via a data extract from the lawa.org.nz water quantity module

By way of background for this request, I am assessing the potential impacts of mandating telemetry for all consents currently captured by the Regulations This policy proposal is part of the Government's Essential Freshwater programme, which is due to consult on this and other changes in late July This policy proposal follows on from the discussion I had with many of you at the

Irrigation NZ Telemetry Master Class in August 2018, where we discussed the recommendations of the Auditor-General's report *Monitoring how water is used for irrigation* (<https://www.oag.govt.nz/2018/irrigation>)

Please do let me know if this e-mail needs to go to another person. Apologies for double-ups, I'm not sure if the LG Connect address has been updated recently.

Many thanks

James

James King – Senior Analyst, Water Allocation Policy
Ministry for the Environment – Manatu Mo Te Taiao
Email: James.King@mfe.govt.nz
Phone: 022 517 3391
Website: www.mfe.govt.nz
23 Kate Sheppard Place, PO Box 10362, Wellington 6143

I work Monday, Tuesday, Thursday (in the office) and Friday (from home)

Please Note: The information contained in this e-mail message and any attached files may be confidential information, and may also be the subject of legal professional privilege. It is not necessarily the official view of the Ministry for the Environment. If you are not the intended recipient, any use, disclosure or copying of this e-mail is unauthorised. If you have received this e-mail in error, please notify us immediately by reply e-mail and delete the original. Thank you.

[Click here to unsubscribe](#)
ene Mer

Horizons Regional Council | 24 hr freephone 0508 800 800 | www.horizons.govt.nz
T twitter.com/horizonsrc | FB facebook.com/horizonsregionalcouncil
This email is covered by the disclaimers which can be found by clicking [here](#).

Released under the Official Information Act 1982

From: [Jennifer Price](#)
To: [Taylor, Ken](#); [acanning \(acanning@fishandgame.org.nz\)](#); [bryce.cooper \(bryce.cooper@niwa.co.nz\)](#); [Chris Daughney](#); [clarksonb \(ClarksonB@landcareresearch.co.nz\)](#); [Clive Howard-Williams \(niwa.co.nz\)](#); [d.hikuroa \(d.hikuroa@auckland.ac.nz\)](#); [Graham Sevicke-Jones \(Sevicke-JonesG@landcareresearch.co.nz\)](#); [ian.hawes \(ian.hawes@waikato.ac.nz\)](#); [Jamie Ataria](#); [Jenny Webster-Brown \(jennifer.webster-brown@lincoln.ac.nz\)](#); [Joanne Clapcott \(cawthron.org.nz\)](#); [Jon Roygard \(jon.roygard@horizons.govt.nz\)](#); [Mahinaarangi Baker](#); [Dr Marc Schallenberg](#); [Maria Burgess](#); [Dr Mike Joy \(vuw.ac.nz\)](#); [Parish, Sarah](#); [R.G.Death \(R.G.Death@massey.ac.nz\)](#); [Ra \(Ra@kahungunuwairarapa.iwi.nz\)](#); [Tanira Kingi](#)
Cc: [Carl Howarth](#); [Helli Ward](#); [Isaac Bain](#); [Jo Burton](#); [Kirsten Forsyth](#); [Lucy Bolton](#); [Stephen Fragaszy](#); [Ton Snelder \(landwaterpeople.co.nz\)](#); [Vicki Addison](#); [Adrianne Larsen](#); [Andrew Schollum](#)
Subject: RE: STAG report - ultimate version
Date: Thursday, 27 June 2019 11:44:07 AM
Attachments: [image001.png](#)

Kia ora koutou,

Awesome work – it's been an impressive effort from you all, particularly under such short time frames.

Nga mihi

Jen

From: Taylor, Ken <Ken.Taylor@agresearch.co.nz>

Sent: Wednesday, 26 June 2019 5:54 PM

To: Jennifer Price <Jennifer.Price@mfe.govt.nz>; [acanning \(acanning@fishandgame.org.nz\)](#) <[acanning@fishandgame.org.nz](#)>; [bryce.cooper \(bryce.cooper@niwa.co.nz\)](#) <[bryce.cooper@niwa.co.nz](#)>; [Chris Daughney \(Chris.Daughney@mfe.govt.nz\)](#) <[Chris.Daughney@mfe.govt.nz](#)>; [clarksonb \(ClarksonB@landcareresearch.co.nz\)](#) <[ClarksonB@landcareresearch.co.nz](#)>; [Clive Howard-Williams \(niwa.co.nz\)](#) <[clive.howard-williams@niwa.co.nz](#)>; [d.hikuroa \(d.hikuroa@auckland.ac.nz\)](#) <[d.hikuroa@auckland.ac.nz](#)>; [Graham Sevicke-Jones \(Sevicke-JonesG@landcareresearch.co.nz\)](#) <[Sevicke-JonesG@landcareresearch.co.nz](#)>; [ian.hawes \(ian.hawes@waikato.ac.nz\)](#) <[ian.hawes@waikato.ac.nz](#)>; [Jamie Ataria \(Jamie.Ataria@lincoln.ac.nz\)](#) <[Jamie.Ataria@lincoln.ac.nz](#)>; [Jenny Webster-Brown \(jennifer.webster-brown@lincoln.ac.nz\)](#) <[jennifer.webster-brown@lincoln.ac.nz](#)>; [Joanne Clapcott \(cawthron.org.nz\)](#) <[Joanne.Clapcott@cawthron.org.nz](#)>; [Jon Roygard \(jon.roygard@horizons.govt.nz\)](#) <[jon.roygard@horizons.govt.nz](#)>; [Mahinaarangi Baker \(mahinaarangi.baker@gmail.com\)](#) <[mahinaarangi.baker@gmail.com](#)>; [Dr Marc Schallenberg \(marc.schallenberg@otago.ac.nz\)](#) <[marc.schallenberg@otago.ac.nz](#)>; [Maria Burgess \(Maria.Burgess@horizons.govt.nz\)](#) <[Maria.Burgess@horizons.govt.nz](#)>; [Dr Mike Joy \(vuw.ac.nz\)](#) <[mike.joy@vuw.ac.nz](#)>; [Parish, Sarah \(Sarah.Parish@agresearch.co.nz\)](#) <[Sarah.Parish@agresearch.co.nz](#)>; [R.G.Death \(R.G.Death@massey.ac.nz\)](#) <[R.G.Death@massey.ac.nz](#)>; [Ra \(Ra@kahungunuwairarapa.iwi.nz\)](#) <[Ra@kahungunuwairarapa.iwi.nz](#)>; [Tanira Kingi \(tanira.kingi@scionresearch.com\)](#) <[tanira.kingi@scionresearch.com](#)>

Cc: [Carl Howarth \(Carl.Howarth@mfe.govt.nz\)](#) <[Carl.Howarth@mfe.govt.nz](#)>; [Helli Ward \(Helli.Ward@mfe.govt.nz\)](#) <[Helli.Ward@mfe.govt.nz](#)>; [Isaac Bain \(Isaac.Bain@mfe.govt.nz\)](#) <[Isaac.Bain@mfe.govt.nz](#)>; [Jo Burton \(Jo.Burton@mfe.govt.nz\)](#) <[Jo.Burton@mfe.govt.nz](#)>; [Kirsten Forsyth \(Kirsten.Forsyth@mfe.govt.nz\)](#) <[Kirsten.Forsyth@mfe.govt.nz](#)>; [Lucy Bolton \(Lucy.Bolton@mfe.govt.nz\)](#) <[Lucy.Bolton@mfe.govt.nz](#)>; [Stephen Fragaszy \(Stephen.Fragaszy@mfe.govt.nz\)](#) <[Stephen.Fragaszy@mfe.govt.nz](#)>; [Ton Snelder \(landwaterpeople.co.nz\)](#) <[ton@landwaterpeople.co.nz](#)>; [Vicki Addison \(Vicki.Addison@mfe.govt.nz\)](#) <[Vicki.Addison@mfe.govt.nz](#)>; [Adrianne Larsen \(Adrianne.Larsen@mfe.govt.nz\)](#) <[Adrianne.Larsen@mfe.govt.nz](#)>; [Andrew Schollum \(andrew.schollum@puhoistour.co.nz\)](#) <[andrew.schollum@puhoistour.co.nz](#)>

Subject: RE: STAG report - ultimate version

Kia ora koutou

This is it.

In a sense this is not quite final: it has not been professionally proofed; nor has it been formatted

in a way that would be appropriate for a document intended for wider consumption. In our latest read-through Andrew and I have picked up a few missing items, stylistic inconsistencies and the odd solecism. At this late hour we are happy to leave their correction to others in the next stage of the process.

Notwithstanding these minor matters, I think that we have come up with a damned good document, that fairly reflects the depth and quality of our deliberations over the last few months, but particularly the contributions of you all over the last week or two of intensive thinking and writing. I'm very grateful to the members of the STAG, who have invested bucket loads of time and intellectual energy in this work, and have demonstrated enormous commitment in developing the highest quality advice possible for the Essential Freshwater programme. I'm also very appreciative of the work of all of the officials who have supported us so well in working through what's been a very busy and challenging process. Thank you for your dedication and professionalism. I'd also like to particularly acknowledge the huge contribution from Andrew Schollum in knocking all of this into the best possible shape. His has been a huge effort, at short notice, and the work of the STAG has been greatly enriched by his input.

You all thoroughly deserve a night off!

Nga mihi
Ken

Ken Taylor - Director

Our Land and Water National Science Challenge
AgResearch – Lincoln Science Centre, Private Bag 4749, Christchurch 8140
T: +64 3 325 9933 M:+64 27 295 4359 E: ken.taylor@agresearch.co.nz
W: www.ourlandandwater.nz

cid:image001.png@01D1A531.A11C44E0



From: [Jennifer Price](#)
To: [Taylor, Ken](#); s 9(2)(a)
Cc: [Andrew Schollum](#); s 9(2)(a); s 9(2)(a); [Chris Daughney](#); s 9(2)
Subject: RE: STAG report and "Cautious 5" appendix
Date: Monday, 17 June 2019 11:18:29 AM
Attachments: [image001.png](#)
[image002.png](#)

Hi s 9(2),
()
It'd be good to have a chat to see where the analyses have got to so far, and what MfE needs to do to progress them if needed (I know you're in meetings here all week, hopefully we can fit this in!)

Cheers

Jen

From: Taylor, Ken <Ken.Taylor@agresearch.co.nz>

Sent: Sunday, 16 June 2019 6:56 AM

To: s 9(2)(a)

Cc: Andrew Schollum <andrew.schollum@puhoistour.co.nz>; s 9(2)(a)

Chris Daughney <Chris.Daughney@mfe.govt.nz>; s 9(2)(a)

Martin Workman <martin.workman@mfe.govt.nz>; Lucy Bolton
<Lucy.Bolton@mfe.govt.nz>; Jennifer Price <Jennifer.Price@mfe.govt.nz>

Subject: RE: STAG report and "Cautious 5" appendix

Hi s 9(2)

()
I've been thinking about this overnight (one of the great gifts of jet lag...).
I've cc'ed the cautious 5 so that they know to expect contact from you. You could ask them individually what it would take to get the nutrient numbers across the line – by all means do so – but I suspect the fundamental issue remains that of their lack of confidence in the proposed nutrient attribute tables due to the significant disparity in the numbers provided by you and Ton. (This is also touched on in David Hamilton's review).

WE didn't really get to the bottom of this on Thursday, beyond recognising that the different datasets are likely to have had a major influence. s 9(2) also stressed the dataset issue in his email last night. So the priority as I see it anyway is to rerun the numbers using Ton's method and your data to see how big the differences remain. You said you had already done this so what we would need is some kind of documentation to that effect, ideally prepared by, and certainly signed off by both you and Ton. If the numbers were close that would give a great deal of comfort to many of us, notwithstanding that some might still hold fundamental philosophical differences about the utility of nutrient threshold tables for ecosystem health. If the numbers remained substantially different despite using a common dataset, we would need further exploration of the issue, and would need to highlight this in the report.

I've copied officials in to this because if we are to move a joint analysis along with alacrity there may be some issues of mandate and resourcing to resolve (urgently)...

Cheers

Ken

From: s 9(2)(a)

Sent: Saturday, 15 June 2019 10:35 AM

To: Taylor, Ken <Ken.Taylor@agresearch.co.nz>

Subject: Re: STAG report and "Cautious 5" appendix

Hi Ken

I might be misinterpreting the feedback from the Cautious Five, or missing something, but I'm still struggling to nail down all their sticking points with nutrient derivation.

I'm wondering if we could get each of them (independently) could write down as clear bullet point actions the changes that they would want to see to get them across the line? I don't emailing each directly, or you could if you prefer?

Given the time constraints, I think the clearer they can be more the more efficiently the remainders can be resolved.

Otherwise I could just park it, let nutrients to free up time for other things and say the 9-5 split sufficient?

Thanks

s 9(2)

From: Taylor, Ken <Ken.Taylor@agresearch.co.nz>

Sent: Friday, 14 June 2019 11:45:49 AM

To: Clive Howard-Williams (niwa.co.nz); Adam Canning; Bryce Cooper; Chris Daughney; clarksonb (ClarksonB@landcareresearch.co.nz); d.hikuroa (d.hikuroa@auckland.ac.nz); Graham Sevicke-Jones (Sevicke-JonesG@landcareresearch.co.nz); ian.hawes (ian.hawes@waikato.ac.nz); Jamie Ataria; Jenny Webster-Brown (jenny.webster-brown@canterbury.ac.nz); Joanne Clapcott (cawthron.org.nz); Jon Roygard (jon.roygard@horizons.govt.nz); Mahinaarangi Baker; Dr Marc Schallenberg; Maria Burgess; Dr Mike Joy (vuw.ac.nz); Parish, Sarah; R.G.Death (R.G.Death@massey.ac.nz); Ra (Ra@kahungunuwaitarapa.iwi.nz); Tanira Kingi

Cc: Andrew Schollum

Subject: STAG report and "Cautious 5" appendix

Ki ora koutou

Yesterday STAG members met to discuss the scope, structure and content of our report to the Essential Freshwater Taskforce. With such short notice it was inevitable that we were only going to be able to get a few of you together. Thanks to those of you who were able to move your busy schedules to accommodate the meeting time; apologies again to those of you who were not.

We had a very positive and productive meeting, and were able to give a very good steer to Andrew Schollum, the independent consultant who is preparing the report. Unfortunately timing is very tight; we have been asked to have a working draft available for the implementation group

in time for their meeting on Monday morning. To that end, Andrew is working today to have a draft for comment to you by this evening, with the hope that you will have any comments back to him by 10 am Sunday morning. He will incorporate those comments in the version that is to be provided to the implementation group.

We are very aware that this is an unreasonable timeframe, but it's what we have to work with following the outcome of the combined advisory group's meeting on 5 June. With that in mind, I will be making it clear to officials and the implementation group that what they will have is a "near final" draft only, and that I want to leave open the opportunity for incorporation of further comments from STAG members, particularly where you consider that substantive concerns you have raised, or contributions you have made, have not been properly accounted for in the report. That said, off the back of yesterday's meeting I expect the recommendations that will be included in the Monday version, and their rationale, to reflect accurately the conclusions of the group.

Earlier in the week, I sent you a report from five STAG members relating to the weight of evidence methodology for deriving nutrient thresholds. At that time I did not include the appendix to their document, which included comments from individuals. The five have since given me their approval to circulate the appendix, which I have attached, as part of the full document.

Nga mihi
Ken

Ken Taylor - Director

Our Land and Water National Science Challenge
AgResearch – Lincoln Science Centre, Private Bag 4749, Christchurch 8140
T: +64 3 325 9933 M:+64 27 295 4359 E: ken.taylor@agresearch.co.nz
W: www.ourlandandwater.nz

A placeholder for an image that failed to load, showing a small blue square with a white question mark.

From: Taylor, Ken

Sent: Monday, 10 June 2019 9:03 AM

To: 'Jennifer Price' <Jennifer.Price@mfe.govt.nz>; 'Clive Howard-Williams (niwa.co.nz)' <clive.howard-williams@niwa.co.nz>; 'acanning (acanning@fishandgame.org.nz)' <acanning@fishandgame.org.nz>; 'Bryce Cooper' <Bryce.Cooper@niwa.co.nz>; 'Chris Daughney' <Chris.Daughney@mfe.govt.nz>; 'clarksonb (ClarksonB@landcareresearch.co.nz)' <ClarksonB@landcareresearch.co.nz>; 'd.hikuroa (d.hikuroa@auckland.ac.nz)' <d.hikuroa@auckland.ac.nz>; 'Graham Sevicke-Jones (Sevicke-JonesG@landcareresearch.co.nz)' <Sevicke-JonesG@landcareresearch.co.nz>; 'ian.hawes (ian.hawes@waikato.ac.nz)' <ian.hawes@waikato.ac.nz>; 'Jamie Ataria' <Jamie.Ataria@lincoln.ac.nz>; 'Jenny Webster-Brown (jenny.webster-brown@canterbury.ac.nz)' <jenny.webster-brown@canterbury.ac.nz>; 'Joanne Clapcott (cawthron.org.nz)' <Joanne.Clapcott@cawthron.org.nz>; 'Jon Roygard (jon.roygard@horizons.govt.nz)' <jon.roygard@horizons.govt.nz>; 'Mahinaarangi Baker'

<mahinaarangi.baker@gmail.com>; 'Dr Marc Schallenberg' <marc.schallenberg@otago.ac.nz>;
'Maria Burgess' <Maria.Burgess@horizons.govt.nz>; 'Dr Mike Joy (vuw.ac.nz)'
<mike.joy@vuw.ac.nz>; Parish, Sarah <Sarah.Parish@agresearch.co.nz>; 'R.G.Death
(R.G.Death@massey.ac.nz)' <R.G.Death@massey.ac.nz>; 'Ra (Ra@kahungunuwairapa.iwi.nz)'
<Ra@kahungunuwairapa.iwi.nz>; Tanira Kingi <tanira.kingi@scionresearch.com>
Cc: 'Ton Snelder (landwaterpeople.co.nz)' <ton@landwaterpeople.co.nz>; 'Lucy Bolton'
<Lucy.Bolton@mfe.govt.nz>; 'Nik Andic' <Nik.Andic@mfe.govt.nz>; 'Jo Burton'
<Jo.Burton@mfe.govt.nz>; 'Darran Austin' <Darran.Austin@mfe.govt.nz>
Subject: RE: Nutrient thresholds

Kia ora koutou

Recently I asked that the five of you who (a) felt that the science behind the threshold nutrient values the STAG were proposing, and (b) wanted to provide comment to MfE on this, should prepare a combined paper setting out your concerns. To help focus this I posed a number of fairly direct questions intended to extract the key issues. The five s 9(2)(a) have responded collectively, and I have attached their synthesis paper. This will be for discussion at Thursday's meeting in the context of our overall report to the minister. In the meantime, Ton and s 9(2) are doing some work together to see if they can draw out the reasons why their two approaches diverge in the way they do. Some advance there will also be helpful for Thursday.

Note that the report came with an appendix which summarised the views of each individual among the five. I haven't included this because I just realised I hadn't specifically sought permission to do so. As soon as that is forthcoming I will pass it on to you.

Later today (or tomorrow in my case) I hope to send out a draft of the overall STAG group report, the content of which will be central to Thursday's meeting.

Nga mihi
Ken

Ken Taylor - Director

Our Land and Water National Science Challenge
AgResearch – Lincoln Science Centre, Private Bag 4749, Christchurch 8140
T: +64 3 325 9933 M:+64 27 295 4359 E: ken.taylor@agresearch.co.nz
W: www.ourlandandwater.nz

cid:image001.png@01D1A531.A11C44E0



From: Taylor, Ken

Sent: Thursday, 30 May 2019 4:53 PM

To: Jennifer Price <Jennifer.Price@mfe.govt.nz>; Clive Howard-Williams (niwa.co.nz)
<clive.howard-williams@niwa.co.nz>; acanning (<acanning@fishandgame.org.nz>
<acanning@fishandgame.org.nz>; Bryce Cooper <Bryce.Cooper@niwa.co.nz>; Chris Daughney

<Chris.Daughney@mfe.govt.nz>; clarksonb (ClarksonB@landcareresearch.co.nz)
<ClarksonB@landcareresearch.co.nz>; d.hikuroa (d.hikuroa@auckland.ac.nz)
<d.hikuroa@auckland.ac.nz>; Graham Sevicke-Jones (Sevicke-JonesG@landcareresearch.co.nz)
<Sevicke-JonesG@landcareresearch.co.nz>; ian.hawes (ian.hawes@waikato.ac.nz)
<ian.hawes@waikato.ac.nz>; Jamie Ataria <Jamie.Ataria@lincoln.ac.nz>; Jenny Webster-Brown
(jenny.webster-brown@canterbury.ac.nz) <jenny.webster-brown@canterbury.ac.nz>; Joanne
Clapcott (cawthron.org.nz) <Joanne.Clapcott@cawthron.org.nz>; Jon Roygard
(jon.roygard@horizons.govt.nz) <jon.roygard@horizons.govt.nz>; Mahinaarangi Baker
<mahinaarangi.baker@gmail.com>; Dr Marc Schallenberg <marc.schallenberg@otago.ac.nz>;
Maria Burgess <Maria.Burgess@horizons.govt.nz>; Dr Mike Joy (vuw.ac.nz)
<mike.joy@vuw.ac.nz>; Parish, Sarah <Sarah.Parish@agresearch.co.nz>; R.G.Death
(R.G.Death@massey.ac.nz) <R.G.Death@massey.ac.nz>; Ra (Ra@kahungunuwairarapa.iwi.nz)
<Ra@kahungunuwairarapa.iwi.nz>; Tanira Kingi <tanira.kingi@scionresearch.com>
Cc: Ton Snelder (landwaterpeople.co.nz) <ton@landwaterpeople.co.nz>; Lucy Bolton
<Lucy.Bolton@mfe.govt.nz>; Nik Andic <Nik.Andic@mfe.govt.nz>; Jo Burton
<Jo.Burton@mfe.govt.nz>; Darran Austin <Darran.Austin@mfe.govt.nz>

Subject: Nutrient thresholds

Kia ora koutou

Recently Jen sent through to us **s 9(2)** report summarising the derivation of the nutrient tables. She has also provided an opportunity for comments (this week if possible). I want to acknowledge **s 9(2)** efforts in preparing the information. This is an important part of building the evidence base that sits behind our advice to the government.

As you will recall, I asked you some summary questions following on from our recent email discussions about nutrients. In response to the question "I support the weight-of-evidence method for deriving the N numbers", 9 of you agreed, and 5 were of the view that the science was unresolved. I have suggested that in the interests of efficiency, those five prepare a joint commentary to MfE on their concerns. This will help clarify the nature of the issues (and indicate the prospect of resolution). That commentary should be made available to all of us. I have asked the five to provide this commentary to MfE no later than Monday 3 June.

Nga mihi
Ken

Ken Taylor - Director

Our Land and Water National Science Challenge
AgResearch—Lincoln Science Centre, Private Bag 4749, Christchurch 8140
T: +64 3 325 9933 M: +64 27 295 4359 E: ken.taylor@agresearch.co.nz
W: www.ourlandandwater.nz

cid:image001.png@01D1A531.A11C44E0



From: Jennifer Price <Jennifer.Price@mfe.govt.nz>

Sent: Monday, 27 May 2019 1:46 PM

To: Clive Howard-Williams (niwa.co.nz) <clive.howard-williams@niwa.co.nz>; acanning

(acanning@fishandgame.org.nz) <acanning@fishandgame.org.nz>; Bryce Cooper <Bryce.Cooper@niwa.co.nz>; Chris Daughney <Chris.Daughney@mfe.govt.nz>; clarksonb (ClarksonB@landcareresearch.co.nz) <ClarksonB@landcareresearch.co.nz>; d.hikuroa (d.hikuroa@auckland.ac.nz) <d.hikuroa@auckland.ac.nz>; Graham Sevicke-Jones (Sevicke-JonesG@landcareresearch.co.nz) <Sevicke-JonesG@landcareresearch.co.nz>; ian.hawes (ian.hawes@waikato.ac.nz) <ian.hawes@waikato.ac.nz>; Jamie Ataria <Jamie.Ataria@lincoln.ac.nz>; Jenny Webster-Brown (jenny.webster-brown@canterbury.ac.nz) <jenny.webster-brown@canterbury.ac.nz>; Joanne Clapcott (cawthron.org.nz) <Joanne.Clapcott@cawthron.org.nz>; Jon Roygard (jon.roygard@horizons.govt.nz) <jon.roygard@horizons.govt.nz>; Taylor, Ken <Ken.Taylor@agresearch.co.nz>; Mahinaarangi Baker <mahinaarangi.baker@gmail.com>; Dr Marc Schallenberg <marc.schallenberg@otago.ac.nz>; Maria Burgess <Maria.Burgess@horizons.govt.nz>; Dr Mike Joy (vuw.ac.nz) <mike.joy@vuw.ac.nz>; Parish, Sarah <Sarah.Parish@agresearch.co.nz>; R.G.Death (R.G.Death@massey.ac.nz) <R.G.Death@massey.ac.nz>; Ra (Ra@kahungunuwairarapa.iwi.nz) <Ra@kahungunuwairarapa.iwi.nz>; Tanira Kingi <tanira.kingi@scionresearch.com>

Cc: Ton Snelder (landwaterpeople.co.nz) <ton@landwaterpeople.co.nz>; Lucy Bolton <Lucy.Bolton@mfe.govt.nz>; Nik Andic <Nik.Andic@mfe.govt.nz>; Jo Burton <Jo.Burton@mfe.govt.nz>; Darran Austin <Darran.Austin@mfe.govt.nz>

Subject: RE: s 9(2) summary of methods to derive nutrient attributes
()

Hi Clive (and STAG),

Yes, please send through any comments. If you could do that this week, that would be good.

David Hamilton is also conducting a peer review.

Kind regards

Jen

From: Clive Howard-Williams <Clive.Howard-Williams@niwa.co.nz>

Sent: Monday, 27 May 2019 1:09 PM

To: Jennifer Price <Jennifer.Price@mfe.govt.nz>; acanning (acanning@fishandgame.org.nz) <acanning@fishandgame.org.nz>; Bryce Cooper <Bryce.Cooper@niwa.co.nz>; Chris Daughney <Chris.Daughney@mfe.govt.nz>; clarksonb (ClarksonB@landcareresearch.co.nz) <ClarksonB@landcareresearch.co.nz>; d.hikuroa (d.hikuroa@auckland.ac.nz) <d.hikuroa@auckland.ac.nz>; Graham Sevicke-Jones (Sevicke-JonesG@landcareresearch.co.nz) <Sevicke-JonesG@landcareresearch.co.nz>; ian.hawes (ian.hawes@waikato.ac.nz) <ian.hawes@waikato.ac.nz>; Jamie Ataria <Jamie.Ataria@lincoln.ac.nz>; Jenny Webster-Brown (jenny.webster-brown@canterbury.ac.nz) <jenny.webster-brown@canterbury.ac.nz>; Joanne Clapcott (cawthron.org.nz) <Joanne.Clapcott@cawthron.org.nz>; Jon Roygard (jon.roygard@horizons.govt.nz) <jon.roygard@horizons.govt.nz>; ken.taylor@agresearch.co.nz; Mahinaarangi Baker <mahinaarangi.baker@gmail.com>; Dr Marc Schallenberg <marc.schallenberg@otago.ac.nz>; Maria Burgess <Maria.Burgess@horizons.govt.nz>; Dr Mike Joy (vuw.ac.nz) <mike.joy@vuw.ac.nz>; Parish, Sarah (Sarah.Parish@agresearch.co.nz) <Sarah.Parish@agresearch.co.nz>; R.G.Death (R.G.Death@massey.ac.nz) <R.G.Death@massey.ac.nz>; Ra (Ra@kahungunuwairarapa.iwi.nz) <Ra@kahungunuwairarapa.iwi.nz>; Tanira Kingi <Tanira.Kingi@scionresearch.com>

Cc: Ton Snelder (landwaterpeople.co.nz) <ton@landwaterpeople.co.nz>; Lucy Bolton <Lucy.Bolton@mfe.govt.nz>; Nik Andic <Nik.Andic@mfe.govt.nz>; Jo Burton

<Jo.Burton@mfe.govt.nz>; Darran Austin <Darran.Austin@mfe.govt.nz>

Subject: RE: s 9(2) summary of methods to derive nutrient attributes
()

Hi Jennifer (ss STAG team)

Thanks for sending on s 9(2) summary of methods involved in the derivation of the nutrient tables.
()

You did not say whether you wanted comment and or feedback?

If you are after comment is there a deadline??

Regards

Clive



Dr Clive Howard-Williams

Emeritus Scientist

T +64-3-343-7857 **M** +64-27-431-5037

National Institute of Water & Atmospheric Research Ltd (NIWA)

10 Kyle Street, Riccarton, Christchurch

Connect with NIWA: niwa.co.nz [Facebook](#) [Twitter](#) [LinkedIn](#) [Instagram](#)

To ensure compliance with legal requirements and to maintain cyber security standards, NIWA's IT systems are subject to ongoing monitoring, activity logging and auditing. This monitoring and auditing service may be provided by third parties. Such third parties can access information transmitted to, processed by and stored on NIWA's IT systems.

Please Note: The information contained in this e-mail message and any attached files may be confidential information, and may also be the subject of legal professional privilege. It is not necessarily the official view of the Ministry for the Environment. If you are not the intended recipient, any use, disclosure or copying of this e-mail is unauthorised. If you have received this e-mail in error, please notify us immediately by reply e-mail and delete the original. Thank you.

From: Rohana Sergent
To: Alistair Cross; Brent Sinclair; Chris Ingle; Chris McLay; Clare Barton; Clare Wooding; Colin Dall; Dave Allen; "Dennis Bush-King"; "Fred McLay"; Gael Ogilvie; "Gary Bedford"; "Gavin Palmer "; "Ged Shirley"; Gina Fergusson; Graham Sevicke-Jones (Graham.Sevicke-Jones@es.govt.nz); Hadley Mills; "Hans Versteeg (E-mail)"; Heather McKay; James Palmer (hbrc.govt.nz); Jon Roygard; Katherine Trought; Keita Kohere; Liz Lambert; Mike Scarsbrook (waikatoregion.govt.nz); Nadeine Dommissie; Namouta Poutasi; Nic Peet; Nick Zaman; Nigel Corry (GW); "Pere Hawes"; Rina Douglas; Rohana Sergent; Sarah Omundsen; Stefanie Rixecker; Tom Skerman; Tony phipps; "Tracey May"; Vin Smith (Vin.Smith@es.govt.nz); Martin Workman; Stephen Walter; Mike Ede-5123; Annabelle Ellis
Subject: RMG Workshop support document
Date: Thursday, 20 June 2019 8:15:29 AM
Attachments: [image001.png](#)
[image002.gif](#)
[image003.gif](#)
[image004.gif](#)
[image005.jpg](#)
[Memo to RMG - Essential Freshwater Implementation workshop June 2019.DOC](#)
Importance: High

Good Morning all,

Apologies for the lateness but I only received this late yesterday when I had left the office.
Annabelle has sent this attachment as pre reading for today's EFW workshop, I am unsure if she will have printed copies to hand.

Enjoy your meeting ☺

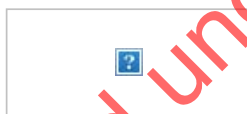
Thanks
Ro

Kia ora Rohana

Please find attached a short memo in preparation for tomorrow's meeting.
This is to provide the group with an quick overview of what we plan to work through with them tomorrow regarding implementation.

Please contact me if you have any questions.

Nga mihi
Annabelle



Rohana Sergent (BA Sociology)

Executive Assistant to Group Manager | Integrated Catchment Management
06 833 8060 | 027 645 2051

Hawke's Bay Regional Council | Te Kaunihera a-rohe o Te Matau a Maui
159 Dalton Street, Napier 4110 | hbrc.govt.nz

Enhancing Our Environment Together | Te Whakapakari Tahi I To Tatau Taiao



Let us know how we're doing, [give your feedback here](#).

This communication, including any attachments, is confidential. Refer to the [disclaimer](#) on our website.

[cid:6s8JdKjZSEeTNuz0ZMBdQPlant2protect_Esig541x179_96dpi-small_jpg](#)



Released under the Official Information Act 1982

From: [Gavin Forrest](#)
To: ["john.blincoe@parliament.govt.nz"](mailto:john.blincoe@parliament.govt.nz)
Cc: [Martin Workman](#); [Paul Le Miere](#); [Terry Copeland](#)
Subject: Unauthorised sharing of confidential information
Date: Tuesday, 11 June 2019 5:24:13 PM
Attachments: [image001.jpg](#)

Hi John

Further to our conversation today about the unauthorised sharing of documents, containing key parts of the draft Essential Freshwater package, provided to Federated Farmers and other non-government agencies by Martin Workman (MfE) at 6.24pm on Tuesday 28 May 2019.

I understand that information reached Minister Parker's Office between this time and the evening of Wednesday 29 May 2019 that led to the conclusion that one of the parties that received the material had distributed it further without MfE's authorisation.

I am pleased to be informed by you that no information has been provided or obtained that leads to any definitive conclusion as to who forwarded the documents and that no claim has been made by anyone in Minister Parker's Office that Federated Farmers is the source – just that the conclusion is that it must have been done by at least one of those that received the documents.

All Federated Farmers staff who cited the documents have been spoken to and have given their absolute assurance that they did not share the information outside a core group of Federated Farmers policy team. The documents were, following MfE's approval, forwarded to a Deer Industry NZ policy person who attended the meeting held the next day. The documents were not provided to our elected water spokesman and definitely not to any farmers. Given the lack of detail provided with respect to the nature, location and timing of the breach of confidence Federated Farmers can do more than repeat our assurance that we were in no way responsible for the breach.

Federated Farmers appreciates that this breach of confidentiality is, rightly, of significant concern to Minister Parker's Office and to MfE officials. As discussed it is important that we move beyond this situation continuing to seek practical solutions to the achieving the Government's Essential Freshwater goals.

On a different note, a number of our Federated Farmers National Board members and senior staff will be at the Mystery Creek National Fielddays over the next three days and would welcome the opportunity to meet with Minister Parker when he is there.

Regards

Gavin

GAVIN FORREST
GENERAL MANAGER POLICY AND ADVOCACY

Federated Farmers of New Zealand
Box 715, Wellington 6140, New Zealand

P 04 470 2172

F 04 473 1081
M 027 934 9848
gforrest@fedfarm.org.nz

www.fedfarm.org.nz

PINZ Email signature



This email communication is confidential between the sender and the recipient. The intended recipient may not distribute it without the permission of the sender. If this email is received in error, it remains confidential and you may not copy, retain or distribute it in any manner. Please notify the sender immediately and erase all copies of the message and all attachments. Thank you.



THINK BEFORE YOU PRINT

This email communication is confidential between the sender and the recipient. The intended recipient may not distribute it without the permission of the sender. If this email is received in error, it remains confidential and you may not copy, retain or distribute it in any manner. Please notify the sender immediately and erase all copies of the message and all attachments. Thank you.

Released under the Official Information Act 1982

From: [Irene Parminter](#)
To: [Iain Maxwell \(hbrc.govt.nz\)](#); [Pat Dougherty](#); [Douglas Leeder \(boprc.govt.nz\)](#); [Andrew Robb \(wrcr.govt.nz\)](#); [trishj@wrcr.govt.nz](#); [Cheryl Barnes](#); [Martin Workman](#); [Katherine Meerman](#); [jon.roygard@horizons.govt.nz](#); [Annabelle Ellis](#); [Fiona McTavish \(boprc.govt.nz\)](#); [James Palmer \(hbrc.govt.nz\)](#); [Rob Phillips](#); [Adrianne Larsen](#); [Clare Wooding](#); [alan.livingston@waikatoregion.govt.nz](#); [Vaughan Payne](#); [Mike Scarsbrook \(waikatoregion.govt.nz\)](#); [Bill Bayfield](#)
Cc: [Janice Rodenburg](#); [Nicola Scott](#); [Jo Burton](#); [Katherine Trought](#); [mamacmill@gmail.com](#); [Isaac Bain](#)
Subject: Update on the identification process for the high nitrogen pressure catchments
Date: Thursday, 20 June 2019 4:56:11 PM

Greetings. I updated a number of you on progress with identifying the high N-pressure catchments at the RSWG meeting on Monday. Thank you for your feedback. You advised me to contact the Chief Executives of regional councils that are highlighted in the initial modelling. However I have not made as much progress as I planned and am now away for 10 days. I expect to be in touch with the CEs in the week of 1 July.

Irene

-----Original Appointment-----

From: Freshwater Programme Meetings <FSFWProgrammeMeetings@mfe.govt.nz>

Sent: Thursday, 13 June 2019 11:05 AM

To: Freshwater Programme Meetings; [Iain Maxwell \(hbrc.govt.nz\)](#); [Pat Dougherty](#); [Douglas Leeder \(boprc.govt.nz\)](#); [Andrew Robb \(wrcr.govt.nz\)](#); [trishj@wrcr.govt.nz](#); [Cheryl Barnes](#); [Martin Workman](#); [Katherine Meerman](#); [jon.roygard@horizons.govt.nz](#); [Annabelle Ellis](#); [Fiona McTavish \(boprc.govt.nz\)](#); [James Palmer \(hbrc.govt.nz\)](#); [Rob Phillips](#); [Adrianne Larsen](#); [Clare Wooding](#); [alan.livingston@waikatoregion.govt.nz](#); [Vaughan Payne](#); [Mike Scarsbrook \(waikatoregion.govt.nz\)](#); [Bill Bayfield](#)

Cc: [Janice Rodenburg](#); [Nicola Scott](#); [Jo Burton](#); [Katherine Trought](#); [mamacmill@gmail.com](#); [Irene Parminter](#); [Isaac Bain](#)

Subject: FW: Essential Freshwater Regional Sector Advisor Group - Venue updated & phone details

When: Monday, 17 June 2019 12:30 PM-3:30 PM (UTC+12:00) Auckland, Wellington.

Where: Simpson Grierson Boardroom, Level 24, HSBC Tower, 195 Lambton Quay, Wellington 6011

-----Original Appointment-----

From: Freshwater Programme Meetings <FSFWProgrammeMeetings@mfe.govt.nz>

Sent: Monday, 20 May 2019 2:25 PM

To: Freshwater Programme Meetings; [Iain Maxwell \(hbrc.govt.nz\)](#); [Pat Dougherty](#); [Douglas Leeder \(boprc.govt.nz\)](#); [Andrew Robb \(wrcr.govt.nz\)](#); [trishj@wrcr.govt.nz](#); [Cheryl Barnes](#); [Martin Workman](#); [Katherine Meerman](#); [jon.roygard@horizons.govt.nz](#); [Annabelle Ellis](#); [Fiona McTavish \(boprc.govt.nz\)](#); [James Palmer \(hbrc.govt.nz\)](#); [Rob Phillips](#); [Adrianne Larsen](#); [Clare Wooding](#); [alan.livingston@waikatoregion.govt.nz](#); [Vaughan Payne](#); [Mike Scarsbrook \(waikatoregion.govt.nz\)](#); [Bill Bayfield](#)

Cc: [Janice Rodenburg](#); [Nicola Scott](#); [Jo Burton](#); [Katherine Trought](#); [mamacmill@gmail.com](#)

Subject: Essential Freshwater Regional Sector Advisor Group - Venue updated & phone details

When: Monday, 17 June 2019 12:30 PM-3:30 PM (UTC+12:00) Auckland, Wellington.

Where: Simpson Grierson Boardroom, Level 24, HSBC Tower, 195 Lambton Quay, Wellington 6011

Join by phone

[\(Auckland\) : 09 975 7450](#) (SG)

[\(Wellington\) : 04 901 2304](#) (SG)

[\(Christchurch\) : 03 943 6704](#) (SG)

[\(NZ Toll Free\) : 0800 803 003](#) (SG)

[\(AU Toll Free\) : 1800 172 080](#) (SG)

[\(US Toll Free\) : 1800 494 0103](#) (SG)

[\(UK Toll Free\) : 0800 279 0684](#) (SG)

English (Australia)

English (Australia)

English (Australia)

English (Australia)

English (Australia)

English (United States)

English (United Kingdom)

[Find a local number](#)

Conference ID: 798249

[Forgot your dial-in PIN?](#) | [Help](#)

Released under the Official Information Act 1982

From: [Martin Workman](#)
To: [Dave.Harrison@beeflambnz.com](#); "Matt Ward"; [david.burger@dairynz.co.nz](#); [antony.heywood@hortnz.co.nz](#); [Michelle Sands](#); [Paul Le Miere](#); [GForrest@fedfarm.org.nz](#); [Ewan Kelsall](#); [Corina Jordan](#)
Cc: [Cheryl Barnes](#); [Vicky Robertson](#)
Subject: WATCHING BRIEF: WATER - In confidence: Freshwater Workshop - Papers
Date: Wednesday, 29 May 2019 6:58:53 PM

Hi

I have been informed that the confidential documents provided to you have been shared. I am extremely disappointed in this. I made clear in the below email that the documents were not to be shared. As a consequence I will be cancelling our meeting next week. We have informed the Ministers about this.

I want to reiterate that the documents provided and our discussions are to be treated in confidence and are part of testing our thinking. In order to do that relies on people respecting that confidentiality.

We will continue to look to the Essential Freshwater advisory groups for advice to Ministers on this package.

Regards

Martin

From: Martin Workman

Sent: Tuesday, 28 May 2019 6:24 PM

To: [Dave.Harrison@beeflambnz.com](#); 'Matt Ward' <[matt.ward@beeflambnz.com](#)>; [david.burger@dairynz.co.nz](#); [antony.heywood@hortnz.co.nz](#); [Michelle Sands](#) <[Michelle.Sands@hortnz.co.nz](#)>; [Paul Le Miere](#) <[PLemiere@fedfarm.org.nz](#)>; [GForrest@fedfarm.org.nz](#); [Ewan Kelsall](#) <[EKelsall@fedfarm.org.nz](#)>; [Annabelle Ellis](#) <[Annabelle.Ellis@mfe.govt.nz](#)>; [Nicola Scott](#) <[Nicola.Scott@mfe.govt.nz](#)>; [Roger Lincoln](#) <[roger.lincoln@mfe.govt.nz](#)>; [Charlotte Denny \(MPI\)](#) <[charlotte.denny@mpi.govt.nz](#)>; [Irene Parminter](#) <[Irene.Parminter@mfe.govt.nz](#)>; [Corina Jordan](#) <[Corina.Jordan@beeflambnz.com](#)>; [Gerard Willis](#) <[Gerard.Willis@mfe.govt.nz](#)>; [Jennie McMurran](#) <[Jennie.McMurran2@mfe.govt.nz](#)>; [Mary McCulloch](#) <[Mary.McCulloch@mfe.govt.nz](#)>; [Mary-Anne Baker](#) <[Mary-Anne.Baker@mfe.govt.nz](#)>; [Nick Martelli](#) <[Nick.Martelli@mfe.govt.nz](#)>

Subject: In confidence: Freshwater Workshop - Papers

Hi

Attached are papers setting out key parts of the draft Essential Freshwater package. I'm looking forward to getting your feedback at the workshop tomorrow. The proposals are still being worked on.

The material is to be treated in confidence and is not to be shared.

See you tomorrow.

Martin Workman – Director Water

Ministry for the Environment – Manatu Mo Te Taiao and Ministry for Primary Industries

Mobile: 022 517 3268 Email: martin.workman@mfe.govt.nz Website: www.mfe.govt.nz

23 Kate Sheppard Place, PO Box 10362, Wellington 6143

Released under the Official Information Act 1982