



Essential Freshwater Package of Proposals: Feedback on the proposed package

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Security Level	Unclassified	MfE Priority:	Urgent

	Action sought:	Response by:
To Hon David Parker, Minister for the Environment	Provides material for your meeting	Tuesday 22 October
To Hon Damien O'Connor, Minister of Agriculture	Provides material for your meeting	Tuesday 22 October

Actions for Minister's Office Staff	Forward to Associate Minister for the Environment, Minister of Conservation, Minister for Climate Change, and Minister of Forestry Return the signed report to MfE.
Number of appendices and attachments #	
Note any feedback on the quality of the report	

Ministry for the Environment contacts

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Essential Freshwater Package of Proposals: Feedback on the proposed package and possible areas for consideration in response

Purpose

1. This note provides material for your meeting with Sustainable Land Use Group Ministers on Tuesday 22 October. The agenda includes an item to update your colleagues on the feedback to date on the proposed freshwater policy package.
2. You are invited to forward this briefing to the Associate Minister for the Environment, Minister of Conservation, Minister for Climate Change, and Minister of Forestry.

Context

3. Through public meetings, hui and council meetings the Government has received direct feedback from hundreds of farmers, the general public, tangata whenua, and councils.
4. Written submissions are yet to close, so the initial discussion below is subject to change.

Themes from consultation thus far

5. There have been some emerging overall themes, some key issues raised with the specifics of the package, as well as many secondary issues of finer detail arising from consultation thus far.
6. Emerging overall themes include:
 - 6.1. Widespread support for the Government's objectives and improving water quality. Aligned to this, general acceptance of the Government's strategy to initially focus on water quality (as opposed to allocation issues).
 - 6.2. Feedback from Maori was generally supportive of the package as far as it went, but that the Crown needs to get on with addressing wider rights and interest issues as soon as possible. Some iwi groups continue to push for full co-development of policy.
 - 6.3. Divergent views on how to achieve water quality outcomes. Most stakeholders, Maori, and farming leaders and companies, agree that stronger regulation, particularly for laggards is needed. However, there are differences of view between farming stakeholders and others about how much regulation should be set at a national level, and how much should be tailored to specific farm circumstances. Other stakeholders support stronger regulation and would like to see less reliance on freshwater farm environment plans and more use of centrally and regionally set rules and regulations applying to farmers.
 - 6.4. Sectors with low nutrient discharges (especially the beef and lamb sector) are concerned that package tends to reward high discharging activities – by letting them carry on – and penalises low dischargers – by 'locking them in' at current discharge levels. There is a perception that the Government supports a grand parenting approach to allocating resource use privileges.
 - 6.5. Many stakeholders were concerned councils either wouldn't or couldn't deliver what is required and that greater central government support will be required.
 - 6.6. Many farmers expressed concern that:

- 6.6.1. urban areas must also pull their weight
- 6.6.2. economic impacts of nitrogen bottom lines haven't been modelled
- 6.6.3. this adds yet more cost and compliance burden on them
- 6.6.4. this will drive mass conversion of farms to forests (with consequences for rural communities)
- 6.6.5. in some areas the nitrogen bottom lines are unachievable
- 6.6.6. some proposals are impractical
- 6.6.7. package is too much 'one size fits all'
- 6.6.8. Consultation time is too short.

7. Key issues arising from the specifics of the package include:

- 7.1. Proposed nitrogen bottom line (1 mg/litre) – its impact on vegetable production, especially in Pukekohe and Horowhenua
- 7.2. Proposed nitrogen bottom line – the potential economic impact both across the country and in some key regions, especially Canterbury
- 7.3. Stock exclusion - proposed requirements to move established fences to a distance of five metres on average over 15 years
- 7.4. Stock exclusion - five metre average setback requirement – is this justified given the loss of productive land
- 7.5. Interim controls on land use change and freshwater farm environment plans – in particular the a question about whether these effectively lock-in current low discharging land users
- 7.6. Freshwater farm environment plans – who will pay for these and how they will be developed so that they are enforceable and will achieve catchment outcomes
- 7.7. What support will be made available for land owners to achieve water outcomes
- 7.8. Councils and iwi already struggle with capacity and capability in implementing the NPS-FM. Concerned that these changes will put additional pressure on them, and there are calls for central government to ensure they are supported
- 7.9. Allocation and Māori rights and interests – will have significant impacts on freshwater issues, and these need to be addressed as soon as possible to enable councils, iwi and communities to produce effective and enduring plans to meeting objectives.

8. Secondary issues include:

- 8.1. Interim controls on irrigation - could prevent the expansion of low discharging crops like avocados, pipfruit and stonefruit
- 8.2. Mandatory stock exclusion for all wetlands (including seeps in hill country of any size) – should these be left to freshwater farm plans?
- 8.3. We have been asked whether we need to rationalise the number of attributes that have been put forward by the Science and Technical Advisory Group
- 8.4. There is a question about whether to retain the 14 stock unit and 18 stock unit tests for areas outside mapped lowland for stock exclusion – alternative could be to leave this to farm plans?
- 8.5. Definitions for stock exclusion (size of streams, drains, measure an average setback, stream banks etc.)

- 8.6. Selecting thresholds for when winter grazing is permitted or requires a resource consent.
- 9. It is likely that written submissions will identify many more matters of detail that will need to be analysed and considered.

Recommendations

- 1. We recommend that you **note** the contents of this briefing.

Signature


Martin Workman
Director, Water

Hon David Parker
Minister for the Environment

Date

Hon Damien O'Connor
Minister of Agriculture

Date

