

Minutes of the Freshwater Leaders Group meeting 20 and 21 March 2019

The Terrace Conference Centre

Attendees: John Penno (Chair), Bryce Johnson, Corina Jordan, Mandy Bell, Professor Nicola Shadbolt, Stephanie Howard, Gary Taylor, Tom Lambie, Dr Hugh Logan, Graeme Gleeson, Marnie Prickett, Dr Marc Schallenberg, Alison Dewes, Allen Lim.

Apologies: Traci Houpapa

MfE Officials: Martin Workman, Katherine Meerman, Roger Bannister, Victoria Young (20 March), Nick Vincent

Welcome and introduction

1. The presentation of agenda items was changed due to presenter availability.

Update on Agricultural Package

2. Officials presented an update on the agricultural package proposals noting that they have considered comments by the Freshwater Leaders Group at previous meetings. See the presentation papers for details.
3. Members suggested framing the proposals for Farm Environment Plans (FEPs) as risk management frameworks instead of plans to achieve good farming practise. This approach would include a tiered approach to allow for regional/sub-regional differences.
4. Concern was raised by members about managing the impact of extensive farming systems which can contain a mix of farming types with a range of environmental impacts. Members felt that FEPs should be mandated in a sequential way to manage the greatest risk to the environment.
5. The group felts that FEPs should be used as a tool to help farmers (and other land users) meet regulatory requirements and manage land.
6. Some members questioned whether regulation introducing FEPs would be in place of regulations which set limits and targets, and if the plans were determined by the current state. It was clarified that FEPs would not replace limits and bottom lines, but would rather be used as tools to ensure that farm practice changes to achieve environmental limits and bottom lines would be achieved overtime. The group supports the use of FEPs as a tool to help farmers but is undecided about their use as a national regulatory tool.
7. All members supported the use of a risk based framework but raised concerns about a lack of "teeth", how FEPs would be implemented and what support would be available to Regional Councils for compliance, monitoring, and enforcement.
8. Officials acknowledge concerns from the group.
9. Members expressed interesting in seeing;
 - a. how the proposals fits within the resource management system
 - b. how do 'we' make sure regional councils have the 'grunt' to implement the proposals

ACTION 1:

Officials to produce a wire diagram of how everything fits together and include timelines/frames.

Nitrogen cap

10. Officials presented proposals for managing nitrogen leaching, see the presentation paper for details.
11. All members agreed that "Grandparenting" is unacceptable, any limits should be set over everyone.
12. Some members agree that tools for managing nitrogen (rules etc) need to be kept simple and blunt (for example a simple N loss cap in kg N/ha) so that change can be made quickly. Other members raised concern that the level of bluntness would not take into account soil types and regional differences.
13. Some members felt that there is not enough consideration about the impact of horticulture and vegetable growing fertilizer use. Members then discussed vegetable growing which led to agreement that more thought needs to go into off-setting and trading as a potential solution. This needs to take into account leasing land and buffer zones.

High risk land use

14. Officials presented proposals for managing high risk land use, see the presentation paper for details.
15. Members raised concerns about focusing on high risk land use and felt that it might not be setting the right position. Members felt that clarification is needed about what is being addressed and what are the national statements.
16. Member felt that animal welfare needs to be in the risk assessment as meeting animal welfare requirements will address many issues associated with high risk land use.
17. Members noted that New Zealand is using a different definition of feedlot to that used internationally —terms and definitions need to be used consistently and aligned to international terminology.

Interim regulation

18. Officials presented proposals for interim regulation, see the presentation paper for details.
19. Members noted that there are no definitions as yet for over-allocated and at risk catchments.
20. Members expressed concern about lack of analysis on how mechanisms will work together in the time frame and asked the task force consider this and present it back to our next meeting.

ACTION 2:

Officials to develop a short paper on definitions of various terms we are using for discussion at the next meeting of the Group.

ACTION 3:

Officials to consider how the various strategies are likely to work together to achieve the ambitions of the Essential Freshwater Programme, with a particular focus on stopping the decline in over the next five years, and present back to the Group.

Stock exclusion

21. Officials presented stock exclusion proposals, see the presentation paper for details.
22. Members discussed the need a comprehensive system that manages the risks without unnecessarily imposing costs and restrictions on all farms and classes of land.
23. The group agreed that stock exclusion:
 - must be risk based
 - have clear rules for intensive land use for covering all livestock classes
 - use risk based FEPs to control farm practice within extensively farmed areas, and to manage water ways that fall outside of the current definition of a waterway within intensively farmed areas.

LUNCH

24. The group discussed their draft report to the Minister.
25. Members raised concern about the use of Te Mana O te Wai and the difference in use/meaning between the report and how KWM might see it and clarification is needed.
26. Members discussed human health and ecological health, both need to be in report but under two headings.
27. Members noted the lack of definition of at risk and the behavioural change needs to be added. Concern raised about the catchments that aren't be captured in the framework.

BREAK

Updates on proposals for updates to the National Policy Statement for Freshwater Management (NPS-FM) and a National Environmental Standard (NES).

Wetlands

28. Officials presented proposals to protect wetlands, see the presentation paper for details.
29. Members support in principle but feel a better/clearer definition of wetlands is needed. Officials noted that a range of definitions are in use. See for example the draft National Policy Statement for Indigenous Biodiversity.

Exceptions

30. Officials presented proposals to amend the exceptions section of the NPS — FM, see the presentation paper for details.
31. Members discussed trade-offs to be made when granting exceptions to national bottom lines and the ability of regional councils to manage exceptions.
32. Members supported the proposal as long as 'maintain and improve' is clearly in the document.

Limits

33. Officials presented a proposal to clarify what is meant by limits in the NPS-FM, see the presentation paper for details.
34. Members feel that future thinking is needed and are keen to hear more about the phasing of changes. Members noted that they would like to see the draft briefing before it goes to the Minister.
35. Officials noted that amendments will be drafted when clear recommendations have been developed.

Close of meeting 5:30 pm

21 March

The meeting started at 8.30 with consideration of the standing items:

Standing items (Agenda items 1-3)

Conflicts of interest

36. The group discussed the conflict of interest process agreed that as FLG is an advisory group and not developing or making policy only major conflicts only needed to be reported.
37. No conflicts of interest were raised.

Minutes

38. The group accepted the minutes subject to the following amendments:
 1. paragraph 3 page 6 amend the first bullet point to:
 - 'Some FLG members questioned whether there is a role for soil scientists to play in understanding the substance through which the water flows. The Group agreed that the advisory groups need expertise in from soil scientists. The Group also noted that STAG has capacity in freshwater which is the key area under discussion at the moment.'
 2. paragraph 9 on page 7 by removing "However, group members did not reach a consensus on this point".
39. The Group also requested that in future when minutes note that one (or some) members express a view any counter view is also recorded.

Matters arising

40. The group had a wide ranging discussion about the Minister for the Environment's suggestion that the advisory groups jointly identify 10 high level principles.

Key items discussed include:

- the advisory groups need to confirm their working arrangements and how and when they share drafts of their reports to Minister's.
- iwi allocation principles will be key to resolving freshwater issues
- the need to identify local government governance issues that are limiting the effectiveness of the Resource Management Act and the NPS — FM.

Updates on proposals for an update NPS — FM and a NES.

41. The group continued its discussion of the National Direction papers. The group supported the proposed amendments. Key discussions are noted below.

Amendments to Ecosystem health Value

42. Officials presented proposed amendments to ecosystem health values, see the presentation paper for details.

43. The group supported the proposed broader definition but expressed concern about the use of 'pristine state' in the document. It was noted that the proposal needs align with the Resource Management Act aim of supporting the life supporting capacity of the environment.

44. The group also noted that a healthy ecosystem is not necessarily a pristine ecosystem. The proposal needs to be clear about which state is the desired outcome.

Break

Monitoring and reporting

45. Officials presented proposals to amend monitoring and reporting requirements, see the presentation paper for details.

46. The group supported the proposal but noted that:

- a. The regional sector would like a coordinated consistent national approach as this could allow councils to combine resources and save money.
- b. If the environment is to be protected and resources used efficiently then consents need to be monitored so that we are aware of actual resource use.
- c. Any system introduced needs to enforce nationally consistent monitoring.

No net loss

47. Officials presented proposals on no net loss, see the presentation paper for details.

48. The group noted that the proposal will mostly affect urban areas and that cumulative effects need to be accounted for.

Ecological flows

49. Officials presented proposals on ecological flows, see the presentation paper for details.

Threatened species value

50. Officials presented proposals on threatened species value, see the presentation paper for details.
51. The group discussed the focus on native species rather than all species in a water body. Bryce Johnson offered to help officials with wording.

ACTION 4:

Bryce and officials to discuss wording of the proposal.

Fish passage

52. Officials presented proposals to include fish passage guidance in national direction, see the presentation paper for details.

Precautionary approach

53. Officials presented proposals on the use of the precautionary approach, see the presentation paper for details.

Strategic integrated catchment management

54. Officials presented proposals on strategic integrated catchment management, see the presentation paper for details.
55. The group supported the proposal with some members noting that a better name may be strategic spatial planning.
56. Some members asked what is stopping councils doing integrated management now. Officials noted that there is nothing stopping councils doing integrated catchment management.
57. Other members noted that many councils are already doing integrated catchment management.
58. The group agreed that central government support, such as templates, would help councils with integrated catchment management.

Timeframes

59. Officials presented proposals to change the deadline for implementation of the NPS-FM to 2025, see the presentation paper for details.

Incorporating a metric for aquatic life

60. Officials presented proposals for incorporating a metric for aquatic life into the NPS-FM, see the presentation paper for details.

Nutrients

61. Officials presented proposals on nutrients, see the presentation paper for details.

Dissolved oxygen

62. Officials presented proposals on dissolved oxygen, see the presentation paper for details.

Maintain or improve

63. Officials presented proposals on maintain or improve in the NPS-FM, see the presentation paper for details.

Sediments

64. Officials presented proposals on managing sediments, see the presentation paper for details.
65. The group asked who would be responsible for outlier events that cause large discharges of sediment into the system. Officials noted that councils have the ability to take such events and efforts to address the event into account. Officials will include this concern in their ongoing work.
66. The group asked how the sediment work fitted with the National Policy Statement for Plantation Forestry as forestry is a major sediment source. Officials are working with the Ministry of Primary Industries to ensure that the work is aligned.

Proposals for urban water quality issues and three waters

67. Officials presented an overview of the work underway to improve urban water quality, see the handout for details.
68. The group made the following points:
- a. The government needs make progress on urban water quality quickly
 - b. Urban dwellers should pay for the needed investments just as their rural counterparts do
 - c. The proposed review needs to include governance and the appropriate scale of operation for managing urban water infrastructure
 - d. Any changes will need to be driven by central government as elected local government representatives are unlikely to support any actions that will increase rates.

Lunch

Presentation and discussion about the Fair Allocation Package

69. The remainder of the meeting was devoted to a workshop with the Allocation Team to identify and agree member's positions on allocation proposals. The outcome of the workshop will be reported to the group at a future meeting.
70. The group asked officials to share examples of allocation systems and tools in use.

ACTION 5:

Officials to share examples of allocation systems and tools.
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The meeting finished at 4.00

Actions from Freshwater Leaders Group meeting 20— 21 March				
Action	Date to be completed	Responsibility	Comments	
General				
1	Officials to produce a wire diagram of the Essential Freshwater Programme — showing how the programme parts fit with other work and the programme's timing	April 16-17 meeting	Officials	A first draft is on the portal —this is a work in progress
Agricultural package - Interim regulation				
2	Officials to use a risk based approach when considering if the short term nitrogen cap will lead to the needed long term changes.	April 16-17 meeting	Officials	This is an ongoing item for inclusion in all policy considerations.
3	Officials to consider how the various strategies are likely to work together to achieve the ambitions of the Essential Freshwater Programme, with a particular focus on stopping the decline in over the next five years, and present back to the group.	April 16-17 meeting	Officials	
Threatened species value				
4	Bryce and officials to discuss wording of the proposal.	By the April 16-17 meeting	Bryce Johnson	Completed
Allocation				
5	Officials to share examples of allocation systems and tools.	May meeting	Officials	