

Minutes of the Freshwater Leaders Group meeting 24 May 2019

Venue: The Terrace Conference Centre

Attendees: John Penno (Chair), Alison Dewes, Allen Lim, Bryce Johnson, Corina Little, Mandy Bell, Marc Schallenberg, Marnie Prickett, Nicola Shadbolt, Stephanie Howard, Tom Lambie, Alistair Patrick

From MfE: Nick Vincent, Lucy Bolton, Adrienne Larsen, Jennifer Price, Martin Workman, Robert McLean, Ton Snelder (via video conference),

Item 1: Apologies

Apologies were received from: Gary Taylor, Traci Houpapa, Graeme Gleeson, and Hugh Logan

Item 2: Conflicts of interest

The following member made a declaration of interest in the Minister's Section 24A investigation of deemed permits:

Mandy Bell

Item 3: Minutes of the 8 May meeting

The group confirmed the minutes of the 8 May meeting subject to the following amendments:

1. Noting the need for the group's principals to be given effect and considered in the NPS to ensure equity in standards between farmers and forestry in item 5, #7.
2. The following groups, as discussed at the meeting, are added to item 5, #10:
 - NZ Landcare Trust
 - Federated Farmers of New Zealand
 - NZVA (New Zealand Veterinary Association)
3. That item 5, #11 be updated to include:
 - The importance of social media and the need for more social media engagement and a communication strategy that is adequately resourced.
4. The definition of mahinga kai in item 6 recognizes food gathering and fishing/aquatic life.
5. Item 7 captures some group members' disagreement with setting the baseline of comparison against a pristine/natural state.
6. Typo on final page corrected – hard N cap, not B cap.

Item 4: Matters Arising

Acknowledgements

7. The chair thanked those who had submitted conflict of interest forms and to Gary Taylor for his work drafting the first section of the letter to the Minister.

Primary Sector Council

8. Primary Sector Council representative meeting with the Council on 19 June.

Communication Strategy

9. Communication Strategy to be discussed at the next Freshwater Leaders Group meeting.
10. Janice Rodenburg currently working on communication strategies.

Nitrogen allocation/pressure state maps

11. The group agreed that sufficient change by 2025 was desired.

Update to the agenda for next meeting

12. More details on allocation and the rate of change in the most at risk catchments to be distributed at the next Freshwater Leaders Group.
13. Primary Sector Council representative to give an update on 19 June Primary Sector Council meeting (if applicable).

Item 5: Debrief from Minister's Meeting

Action 1:

Primary Sector Council representative to see if the chair can phone or video conference in to the Primary Sector Council meeting on 19 June.

Action 2:

Adrienne to update next meeting's agenda with At Risk Catchment/allotment details and space for the Primary Sector Council representative's report.

14. The chair and Stephanie Howard reported on the 9 May meeting that they, Hugh Logan, and Graeme Gleason had with Minister Parker and Minister O'Connor to discuss the group's interim report
15. Key points raised at the meeting were:
 - a.) NES Provisions:
 - That provisions in NES were given effect to as regions with plans already in place rely on existing plans until 2025.
 - b.) At Risk Catchments:
 - The concern about resources and the political risk to Ministers of catchments being overlooked because they are not one of the big three.

- The need for other work streams like 3 Waters and Forestry to be more strongly aligned with At Risk Catchments.
- The issue of timing for plans in 2025 and the level of guidance/expectations for delivery (10 year plan vs. 100 year plan) and the differences between regions.
- Clarity about implications for regions and supporting regions to achieve the goals; fostering a unified Aotearoa New Zealand and looking at catchments collectively.
- Using the proposal for RMA reforms to review existing consents so consents cannot be grandfathered.
- Encouraging the Minister to use existing tools (like the ability to call up consents) and intervene on behalf of at risk catchments to stop activities that are harming them.

c.) Interim Report:

- Some members of the group believed that the NES should apply across the board regardless of existing regional and council plans.
- Other group members wondered what sort of message this sends to councils and regions that already have plans in place with equivalent rules to NES and good practices underway – who are on target to meet those plans by 2025.
- The group discussed different types of land use and how that relates to intensification, noting that it is difficult to capture the effects various land use types will have on catchments.
- Are there measures in place to catch exceptions to NES standards?
- Given that breakdowns between science and policy occur, the group wanted to obtain facts in order to better determine if provisions being put into place are going to work and stop the degradation of Aotearoa New Zealand's waterways in the next five years. The group consequently requested that MfE gather some facts and case studies around:
 - Ongoing conversions in Canterbury
 - The forest to dairy/farm use change in the central North Island
 - The effects of conversions to water culture/large scale irrigation use (vegetables, hops, vineyards, etc.)

Action 3:

MfE gather some facts and case studies around:

- Ongoing conversions in Canterbury
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Item 6: Update on changes to NPS/NES Proposal Package – including an update from the Science and Technical Advisory Group (STAG)

16. Marc Schallenberg updated the group on the latest official advice from STAG:
 - Nutrient attributes and allocation update, explaining what the different bands in the nutrient attribute table mean and signify for water quality.
 - STAG has come to a consensus that the attribute table and numbers are correct.
 - The group asked what the reference for Band A was; Marc replied that STAG looked at Conservation land (85% or more native land/native forest).
 - The table requires waterways to reach, at a minimum, a moderate level of health. Councils will be required to get above the bottom line/C band; however, it is at the councils' discretion as to which band they chose to aim for – they can be more ambitious. But a Band A waterway, for example, must stay at Band A to prevent degradation.
17. Ton Snelder presented via videoconference his latest research findings. See presentation on the portal for further details.
18. A member urged the group to reframe the required nitrogen yield reductions as a law that has been broken for years and for the group to consider these requirements as a legal and moral to fix and meet – not as cuts and bites, but as an opportunity to do better.
19. Some group members questioned the modelling science and its implications on farming and non-native bush: are the metrics for measuring ecosystem health fair to everyone? There is an economic and social aspect to this.
20. Group members asked if there was a time lag risk; the modelling presented assumes equilibrium and may be under predicting areas that have been recently intensified. Should the Minister be notified about the potential for under prediction?
21. Martin Workman gave an overview of the changes to some of the Essential Freshwater Programme.

22. Stock exclusion:

- a) Stock exclusion – 5 metre setback average across property (1 metre minimum). Some group members wondered how this involved ecology.
- b) Existing fences not 5 metres back have five years to get fences back to 5 metre average.
- c) Existing fences greater than 1 metre setback but less than 5 metre average will have until 2035 to meet the average. The group asked for the rationale behind this decision; presenter replied that it was to spread cost over time and not adversely impact those already trying to do the right thing.
- d) Timeline may move from 2025 to 2030 as there is ongoing discussion regarding the definition of at risk catchments. What will the regulatory definition of an at risk catchment be?

23. NCap, items mentioned included:

- a) Targeting catchments where nitrogen is a problem.
- b) Nitrogen surplus thresholds meant to catch top polluters/ bring poor performers to light.
- c) This is an interim five year measure.

24. Wetlands:

- a) the definition of wetlands had been expanded to now include coastal wetlands and estuaries.

25. Renewable electricity:

- a) The six biggest schemes will now go in vs. all proposed schemes. Some in the group noted that this would create issues.

26. Additional measures of ecosystem health requirement:

- a) Requiring councils to monitor additional requirements.
- b) The issue of sediment and monitoring bottom lines; currently there is not enough science on sediment so there will be a 5 year stop gap and then a review to build in time for scientific advancements.

27. Cabinet paper deadline is 19 June 2019 for intensive consultation. The Minister has asked the chairs of the reference groups to speak to the Advisory Committee.

28. The group requested that they be sent the wording changes presented and that there be a free flow of information into the group so they could provide feedback. The chair noted that the process is currently moving quickly and some will feel left out during consultation and encouraged the group to keep presenting the group's range of views to the Minister.

Action 4:

Marc to distribute nutrient attributes/allocation tables to the group in confidence.

Action 5:

Nick to send wording changes to the draft NES to the group (if possible re: confidential status of document).

Item 7: Minister's Section 24A Investigation of Deemed Permits

29. The group heard a presentation about the Minister's Section 24A Investigation of deemed permits and intervention in Otago. See paper on portal for further details. Also discussed:

- Central government's role supporting local councils.
- Scope of Minister's power under RMA and what that could be used for.

30. The group asked why the Minister's RMA powers have not been exercised more. Presenters responded that there had been a lack of clear national direction to councils and there was a greater willingness now to partner with central government.

31. Mandy Bell offered her insights to the group as someone directly impacted by the Minister's investigation and raised the following points:

- Varying opinions on what ecological/ecosystem health means.
- What metrics to use to measure ecosystem health?
- The issue of responsiveness.
- How far can recommendations go? Will there be any support to enable changes to happen?
- Best efforts and intentions to restore ecosystem health still cost time and money.

32. The group discussed what needs to be set in place to enable change.

Suggestions included:

- Monitoring across the country.
- A better electronic consenting framework/making data more accessible.
- Getting better data.

Item 8: Freshwater Leaders Group Work Plan

33. The chair raised what the role of the group would be going forward in light of the 19 June 2019 cabinet paper deadline, noting that this is not a standard process,

how could the group best handle the iterative changes and get to 2025, holding firm to the purpose of the group?

34. Group members expressed concern that the group has been consulted and now the group's advice could potentially be lost, questioning the reason for the group. The chair lauded the group's efforts, noting that New Zealand has a coalition government and that the Minister must negotiate with coalition members on freshwater issues. Some group members disagreed, stating that the majority of New Zealanders want better water and this could be considered a mandate.

Item 9: Principles of Allocation

35. The group discussed its draft advice letter to the Ministers, see the paper on the portal for details.
36. In regards to mahinga kai/Appendix 1 the following was noted:
- a) That costal water links to estuaries and urban water – should this be noted in the letter?
37. In relation to swimming standards it was noted that:
- a) Swimming standards should be extended to coastal areas and beaches.
 - b) Costal policy statement does not currently cover attributes.
38. In regards to allocation, the discussion included:
- a) Some group members expressed concern about the use of the word “precautionary”, agreeing that while uncertainty and climate change needed to be factored in, was there a way to be precautionary without tying it to limits and consents?
 - b) Avoiding using the language of “property rights”; change language to reflect the idea that while authorization may have been issued now, the authorization would not be guaranteed for the future.
 - c) Including E.coli, sediment, heavy metals, and storm water.
 - d) That “inherent suitability of the land” might be better captured by the term “natural capital”. What is the definition of natural capital?
 - e) Using a form of grand parenting (to acknowledge the fact that the market considers water/communally owned resources as a property) that goes into transition, providing a range of options including natural capital or a use right system. System would need to be dynamic. How would this transition come about?
 - f) Gap in provisions to protect water from future allocations and transitions to new governments

- g) The issue of sediment in Forestry and the need for Forestry to be held to the same water quality standards.
- h) The group asked if MfE was working with MPI on this. Stated that the work needs to be joined up across programs – Forestry, 3 Waters, etc.

Action 6:

Corina to distribute a definition of natural capital to the group.

Action 7:

Stephanie to draft letter about forestry issues.

Item 10: Finalizing Report to the Minister

- 39. The chair suggested that the group produce three documents with the help of Allister:
 - a) An all-inclusive report to the Minister detailing the group’s thinking, conclusions, and recommendations.
 - b) A second report putting forward the key points and strong proposals from the group while still recording the range of viewpoints within the group.
 - c) A third shorter document designed for the public and to be used in public consultation.
- 40. The future of the group will be discussed at the next meeting. Upcoming work stream for the group is currently:
 - a) Complete letter to the Minister. Add “Crown and Treaty Partners” to the letter.
- 41. Group cautioned that a gap analysis of the reform was needed. Were there any substantial gaps in this reform? What will or won’t be covered by this reform?
- 42. The strong need for a communication strategy and proactive engagement (including group members) was reiterated.

Action 8:

Freshwater Leaders Group to produce 1) Report 2) Summary Report 3) Public Document and finish letter to Minister by 19 June 2019. Group members interested and available to contribute should contact the Chair.

The meeting finished at 3:55pm.

