

7 October 2021

Ministry for the Environment
By email: freshwaterfarmplans@mfe.govt.nz

Dear Sir/Madam,

FRESHWATER REGULATIONS: Freshwater Farm Plans and Stock Exclusion

The Hawke's Bay Regional Council appreciates the opportunity to provide feedback on the government's proposals for Freshwater Farm Plan and Stock Exclusion regulations.

The Council introduced requirements for farm plans through recent plan changes and has several years' experience in implementation of regulatory requirements for farm plans including development of a management framework.

The Council invites MfE officials to visit the Hawke's Bay should they require more details about our experiences with a regulated farm plan regime, our approaches and the challenges and opportunities we are encountering.

The contact person for these submissions is Mary-Anne Baker, mary-a@hbrc.govt.nz or 06 835 9200.

We welcome the opportunity for discussion on the matters raised.

Yours sincerely



Katrina Brunton
POLICY AND REGULATION GROUP MANAGER

Stock exclusion regulations: Proposed changes to the low slope map

Hawke's Bay Regional Council feedback

Section 1 Context for the proposed changes to the low slope map

1. Do you agree with our framing of the issues? If not, why not?

The Council agrees that these were the main issues raised in relation to the map and capture of areas of high slope and low intensity land use. In addition, a point raised by regional councils was that a map based approach forced attention on having a more perfect map. An alternative approach would have been using a map as a 'first cut' to focus attention on the land where stock exclusion should be expected unless local on-ground assessment found otherwise. A key part of that assessment would be an on-ground methodology to determine slope. This will also be required for the intensive winter grazing regulations which have a slope trigger, but no supporting slope map.

However, we understand the reasons for the map approach which links with the policy instrument chosen and does not allow for exceptions.

2. What other information should we consider?

An outline of an on-ground methodology for determining slope will still be beneficial supporting material for farm planning and intensive winter grazing decision making as will provision of 0-5 degree land and 5-10 degree land in the online slope map layers. This needs to be nationally consistent and lined up with any other regulation (such as Intensive Winter Grazing) that uses slope to ensure nationwide fairness and consistency. Ideally, we would like to be able to see draft guidance on this and comment on it.

Section 2 Assessment criteria

3. Do our objectives and criteria focus on the right things? If not, what would you change and why?

Yes. Agree with the criteria, although observe that the conclusions seem inevitable given the focus of the analysis is on the two mapping approaches.

Section 3 Proposed changes – introduction of a new map

Stock exclusion regulations; proposed changes to the low slope map

4. Do you think the changes to the low slope map will more accurately capture low slope land?

Yes.

5. Do you agree that the 500-metre altitude threshold should be added?

Yes, agree in theory. In the Hawke's Bay region this excludes some high-altitude dairy farms/runoffs and flat grazing land. However, most of this is currently stock excluded already and would also be required to have stock excluded because of the type of stock on that land.

6. Do you agree that the regulations and freshwater farm plans are complementary ways to manage the need to exclude stock from waterways? If not, why not?

Yes. We support this.

7. If you own land captured by the map, does the proposed low slope map layer reflect what you would expect to be captured?

We don't own land, but test case areas in Hawke's Bay reflect what we would expect more accurately.

Section 4 Initial regulatory impact analysis of the proposed options

8. Do you agree with our preferred approach? If not, why not?

Yes, we are happy with how this has landed, taking concerns and Feedback Summary into account.

9. What other information should we consider?

Communication of the changed approach needs to be clear that the original intention of stock exclusion up to 10 degrees remains but that the mapping approach has been refined and focused on land up to 5 degrees to give clarity and avoid inadvertent capture of higher slope land.

The farm plan approach will allow an assessment on farm of which land is flatter than 10 degrees and should also be fenced. This allows flexibility to include on-ground assessment.

There is real misunderstanding about how land that a slope between 5-10 degrees is to be regulated. The challenge of communicating this correctly should not be underestimated.

As with our comments separately about regulations for Intensive Winter Grazing, there is a need to properly integrate the Freshwater Farm Plan solutions with these regulations. This includes alignment of the timing for the availability of the alternative management pathways.

10. What are the likely impacts and cost implications of the preferred approach (Option 2) compared with the status quo (Option 1)?

Stock exclusion regulations; proposed changes to the low slope map

This improves clarity and guidance for which land to exclude stock from waterways, and introduces flexibility for on-ground sense checking of slope. Option 2 has advantages and no obvious disadvantages compared with option 1.

Section 5 Options we are not considering

11. Do you agree our proposed changes to the low slope map address the need for stock exclusion requirements to have some flexibility? If not, why not?

Yes. This works in the Hawke's Bay context. We are happy with the way feedback summary has been taken into account in the modified approach.

Section 6 Estimated costs and benefits

12. Do you agree with our estimation of the costs and benefits?

Yes. Agree.

13. What other information should we consider?

Alignment and timing between the various freshwater regulations needs to be interconnected and integrated, with clear and consistent communications from government.