

# Welcome

Freshwater Farm Plan regulations consultation, low slope map for stock exclusion and intensive winter grazing regulations

# Kaupapa

This presentation outlines freshwater farm plan regulation proposals and proposed changes to the stock exclusion low slope map.

## What will we cover today?

- **Essential Freshwater Package**
- **Freshwater Farm Plan system design**
- **Stock exclusion low slope map**
- **Intensive Winter Grazing**

# Essential Freshwater



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# Essential Freshwater

- Stop further degradation
- Show material improvements within five years
- Reverse past damage within a generation so that all of New Zealand's waterways are in a healthy state

**National Policy Statement – Freshwater**  
Longer term – driver for generational change

**National Environmental Standard – Freshwater**  
Halting degradation and improvement in next five years

Supported by **new Freshwater planning process** under  
RMA & Freshwater Commissioners

**Stock exclusion regulations**  
Halting degradation and improvement in next five years

**Freshwater Farm Plans under Part 9A of RMA**  
Key delivery tool

Budget 19 – Productive and Sustainable Land Use investment and Jobs for Nature Funding – supports COVID-19 recovery, freshwater improvements and rollout of Essential Freshwater

# Freshwater farm plans



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# Why Freshwater Farm Plans

Freshwater farm plans allow bespoke solutions tailored to each farm (avoids setting lots of rules and/or resource consents).

Also they bring all the new requirements into one place and relate them to the farm.

We know they work from the success seen through Our Land and Water Science challenge research and the Sustainable Land Use Initiative (SLUI) project in Horizons.

# How freshwater farm plans fit with integrated farm planning

- Farm planning principles have been brought together into one farmer-facing document.
- It provides a planning framework to assess, monitor, and continuously improve the farm business
- Provides planning principles for key areas:
  - People management
  - Biosecurity
  - Animal Welfare
  - Greenhouse Gas Emissions
  - Freshwater – in development.

# How freshwater farm plans fit with existing farm environment plans



- Freshwater farm plans will build on the work many farmers and growers are already doing to manage the risks and impacts of farming activities on freshwater quality and ecosystems.
- The primary sector has played a leadership role in the development of industry assurance programmes (IAPs), many of which have an environmental component.
- These programmes would need to be updated or adapted if they are to deliver a freshwater farm plan that meets the requirements of Part 9A of the RMA.
- We propose a system where industry programmes can be assessed and recognised as being appropriate to deliver a freshwater farm plan that meets the requirements of the RMA.
- Once the regulations are developed, more work will be required to determine the details of a programme's integration.



# How freshwater farm plans fit with regional plans and consents



While farmers and growers are developing freshwater farm plans, regional councils will be developing regional freshwater plans that implement the National Policy Statement for Freshwater 2020, to be notified by December 2024.

Freshwater Farm Plans will:

- tie into regional council plans
- be able to demonstrate regulatory compliance
- be increasingly relied on, reducing the need for consents.

# Moving from where we are now to a fully implemented system in the future

## Continue with implementing current farm environment plans using:

- relevant information and guidance in current FEPs from Industry assurance programmes, regional council and catchment-based initiatives
- the best available information on catchment context.



Ideally provided geospatially to regional councils (where possible)

## Freshwater farm plans developed and certified using:

- the best available catchment context (collated by regional councils)
- national guidance on developing freshwater farm plans
- advisors and certifiers.



Always provided geospatially to regional councils

## Freshwater farm plans developed using:

- regional plans (rules, objectives, limits, action plans)
- comprehensive catchment context (provided by regional councils, informed by tangata whenua and community)
- guidance for achieving the regulated outcomes including mahinga kai.

# Existing legislation for freshwater farm plans

What we are consulting on

*“The **purpose** of this Part is to better control the adverse effects of farming on freshwater and freshwater ecosystems within specified districts, regions, or parts of New Zealand through the use of certified freshwater farm plans.”*

We are consulting on the key elements of the regulations and how to the transition from the status quo.

We are not consulting on what is already established by Part 9A of the RMA.

# What will be in freshwater farm plans



## Outcomes

- The plans will need to demonstrate how the outcomes will be achieved.
- The outcomes we propose are around **farm practice, ecosystem health and the wider catchment context**.

## Risk and impact assessment

- The plan will also include a **risk and impact assessment** (biophysical and management risks) of the whole farm system.
- We propose that the regulations include some minimum requirements for the assessment but certifiers will have discretion to determine the method.

## Actions to mitigate, remedy and avoid risks

- A set of actions will be designed and included in the plan.
- Actions could include physical works, practice changes, procedure changes or staff training.
- We propose some risks/impacts could be managed with mitigations at the discretion of certifiers' (with support of guidance), whereas some matters could require formal practice standards that must be applied.
- Where Regional Plan rules or national direction/regulations are more stringent – then these must be reflected in the plan
- Key issue is how to schedule and prioritise actions

# Proposed mandatory 'base' content for freshwater farm plans



We propose that freshwater farm plans should include other mandatory base content including:

- property and business details
- the nature of farming activities
- farm information and maps
- certification and audit details.

Over time, we propose that freshwater farm plans will be digital, not paper based.

We are aware of privacy concerns when collecting farm data. We know we need to balance privacy with transparency and trust in the system.

**We are seeking your views on how to best protect privacy of your data.**

# Design of the certification system



Freshwater farm plans will need to be certified by someone who is **accredited** to ensure the freshwater farm plan meets the requirements and is fit for purpose.

We propose that:

- A national body is established to accredit people that have the necessary competencies and experience to be certifiers.
- Regional councils appoint certifiers in their region, there may be some region specific requirements to be appointed.
- This body will also manage the quality assurance of the certification system.
- Plans are certified every 3 years. In the case of a significant farm system change plans may need to be redrafted and certified.

# Design of audit system

An auditor assesses whether the farm complies with the certified freshwater farm plan. Auditors will not reassess the plan itself.

The auditor reports their findings to the farmer and relevant council.

We propose that:

- Auditors will be accredited through existing pathways. Regional councils appoint certifiers in their region, there may be some region specific requirements to be appointed.
- Farmers engage and pay auditors
- The first audit occurs 18 months after certification
- Audit occurs again up to 3 years later if audit is **passed** or within 12 months if **not passed**.

# Roll out of freshwater farm plans



- Freshwater farm plans will not be required across the country all at once.
- It will take time for every farm in New Zealand to have a certified freshwater farm plan.
- Timing will depend largely on available resources of certifiers, auditors, advisors, and from regional councils to implement the freshwater farm plan system.
- We are proposing that freshwater farm plans are rolled out on a catchment by catchment basis.
- Where freshwater farm plans will be prioritised will be decided through a implementation workstream.



# Enforcing freshwater farm plans



- Regional councils will use their existing enforcement tools in the RMA for non-compliance.
- Infringement notices proposed to range from \$500 to \$1,500 for non-compliance. More details are available in the discussion document.
- We propose a system where on-farm actions can be delayed or modified if a recognised adverse event or unforeseen change in circumstance occurs.

# Freshwater farm plans at a glance

## Benefits of having a freshwater farm plan

Provides a record of past, present and future environmental actions

Can support the development of a integrated farm plan

Links your farm to community or catchment group priorities

Informs future regional plans

May provide assurance to suppliers and customers

May eliminate the need for some resource consents

Can list your existing resource consents and conditions

## Your freshwater farm plan



### Catchment context

Eg. Catchment values  
Ecosystem health  
Community outcomes  
Farm management practices, etc.



### Risk and impact assessment

Eg. Critical source areas  
Fodder crop management  
Wetlands, etc.



### Actions to reduce risks

Eg. Strategic fencing of waterways  
Wetland restoration  
Winter grazing paddock plan, etc.



Certified



Audited

## Other content for your freshwater farm plan

### Catchment context

Councils will notify freshwater regional plans incorporating Te Mana o te wai. This will provide communities with information about catchment priorities for future management of water.

### National Environmental Standards for Freshwater 2020

Practice standards for stock holding areas  
Interim intensification rules  
Natural wetland rules  
Intensive winter grazing  
Nitrogen cap

### RMA s360 regulations: Stock exclusion from waterways

Exclude stock on low-slope areas (refer to the low-slope map)  
Freshwater farm plans cover stock exclusion on land between 5 to 10 degrees, in depleted grassland and tall tussock, and areas above 500m altitude.

# The proposed timeline



Public consultation until  
**26 September 2021**



A summary of  
submissions will be  
published on our  
website **before the end  
of 2021**



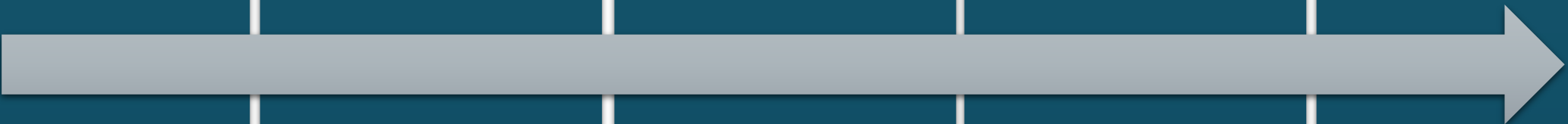
Refining options and  
regulation development  
from the end of  
consultation to **early  
2022**. The Government  
will continue to seek  
feedback and input from  
key representatives



The proposed  
regulations would come  
into force in the **first half  
of 2022**, if agreed by  
Ministers



The freshwater farm  
plans will be gradually  
rolled out across New  
Zealand – the exact date  
farmers require certified  
freshwater farm plans  
may vary across the  
country



# The low slope map for stock exclusion regulations

Why change the map, and what do we propose to change?



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# Stock exclusion map changes



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- We're consulting on proposed changes to the map of low slope land. This map, which is part of the stock exclusion regulations, shows land where beef cattle and deer must be excluded from waterways.
- The current map averages slope across large areas, and doesn't make allowances for some of the challenges of high country farming.
- The proposed changes address these issues. They will only make a difference to where minimum requirements to exclude beef cattle and deer from waterways will apply. Regional council rules and freshwater farm plans may require more than these minimum requirements.
- We'll provide information and guidance to support any changes to the low slope map.

## Purpose of the low slope map

The low slope map shows land where stock need to be excluded from wide rivers, natural wetlands, and lakes.

It mainly relates to beef cattle and deer, which must be excluded from waterways on land in the low slope map from 1 July 2025.

# Low slope map for stock exclusion

## Why change the map?

The current map, which identifies land parcels with an average slope of 10 degrees or less as low slope land:

- **includes steep land** – about 11.5 per cent of the land in the map is over 10 degrees in average slope
- **treats similar areas of farmland differently** – due to variability in the size of land parcels
- **does not give effect to Cabinet’s intention when introducing the stock exclusion regulations** – that freshwater farm plans would manage low-intensity farming in the high country, rather than regulations.

# Low slope map for stock exclusion



## What do we propose to change, and in what way?

- **how we calculate average slope** – use a more accurate method called local terrain averaging.
- **slope threshold** – reduce the average slope threshold captured by the map from 10 to 5 degrees, with the presumption that stock on land with an average slope between 5 and 10 degrees will need to be excluded from access to waterways through freshwater farm plans (FW-FPs).
- **altitude where the map applies** – land above 500 metres in altitude will be managed by FW-FPs.
- **land cover to which the map applies** – areas of tall tussock and depleted grassland will be removed from the map and managed by FW-FPs.



# Low slope map for stock exclusion



## Case Study

- **preferred option** (light green) overlaid on
- **the current map** (dark blue)



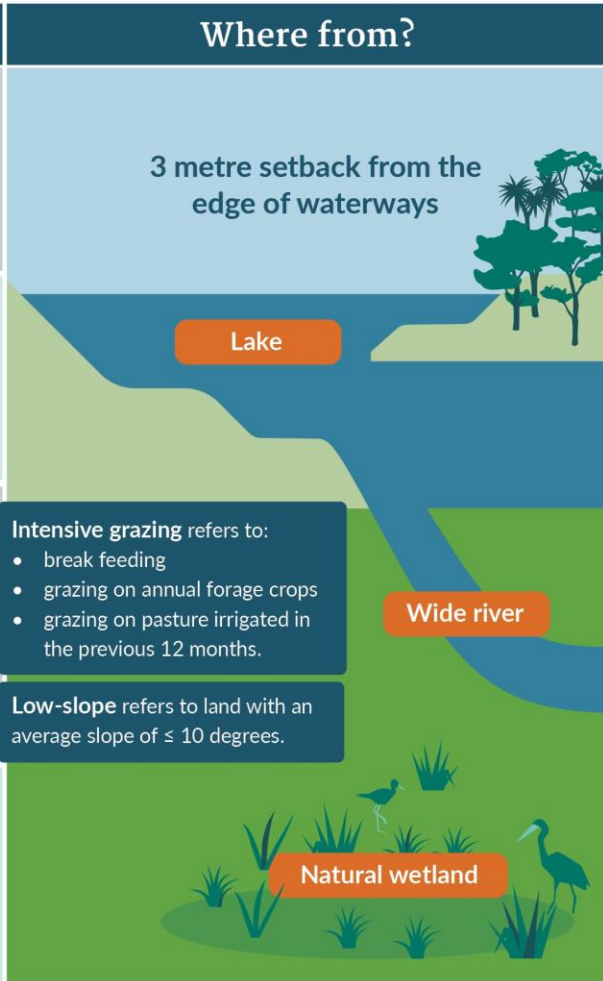


# Stock exclusion requirements: How do they work?



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Animal	Requirement to exclude?	When?	Where from?
 <p>Dairy cows</p>	YES	On any terrain	 <p>3 metre setback from the edge of waterways</p> <p>Lake</p> <p>Wide river</p> <p>Natural wetland</p>
 <p>Pigs</p>	YES	On any terrain	
 <p>Beef cattle, deer</p>	YES	If intensively grazing →	
	YES	If in low-slope map →	
 <p>Sheep, goats, feral animals</p>	NO (not defined as stock)		

**Intensive grazing** refers to:

- break feeding
- grazing on annual forage crops
- grazing on pasture irrigated in the previous 12 months.

**Low-slope** refers to land with an average slope of ≤ 10 degrees.

Any person who owns or controls stock must comply with these regulations. Regional council requirements may be stricter than these regulations.

# Intensive winter grazing: amendments to the regulations

Considering the practical implementation issues



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# Implementation issues

Raised by the Southland Intensive Winter Grazing NES  
Advisory Group (SAG) and others

The Southland Advisory Group and many others identified practical implementation issues with the regulations.

The SAG made specific recommendations to Ministers to address those (report released December 2020).

The Government has considered these recommendations and has been considering changes to address the implementation issues.

We are now consulting on those proposed changes.



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# How the intensive winter grazing regulations work?

There are currently 3 pathways to undertake intensive winter grazing:

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## Pathway 1

### Permitted activity

Comply with the default conditions set out in the NES-F

## Pathway 2

### Permitted activity

Obtain a certified freshwater farm plan (which allows no greater adverse effects than the default conditions in pathway 1)

## Pathway 3

### Resource consent

(If neither Pathway 1 or Pathway 2 can be met)

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# Proposed changes

Proposals will include **making amendments to the conditions which are difficult to comply with**, so there will be a practical pathway to undertake IWG and the regulations will be more outcomes-focused.

**A further delay of six months** to commence the regulations (November 2022) is also proposed.

Farmers need to make decisions in advance of the winter grazing actually taking place. That is why a further deferral will be proposed so the regulations begin after the 2022 season.

This creates time to adjust practices, cultivation and planting choices in preparation for the 2023 winter grazing season.

# Proposed changes to the permitted activity conditions

<b>SLOPE</b>	Amend to measure the slope threshold as a <i>maximum allowable slope</i> instead of <i>mean slope across a paddock</i> (while keeping the existing threshold of 10 degrees).
<b>PUGGING</b>	Amend so that farmers have to <i>take reasonably practicable steps to manage the effects on freshwater from pugging</i> (in areas that are used for intensive winter grazing).
<b>RESOW</b>	Remove the requirement to resow by 1 October (1 November in Otago and Southland) and, instead, require farmers to resow ‘as soon as practicable’. Aim to minimise the amount of time that bare ground is exposed to the weather, and the regulations will clarify that other methods of establishing ground cover (eg, companion planting) are included.
<b>New condition: CRITICAL SOURCE AREAS</b>	Include a new condition requiring that critical source areas must be protected (uncultivated and ungrazed).
<b>SETBACK</b>	Amend the definition of ‘drains’ to exclude <i>sub-surface</i> drains as originally intended. Manage <i>sub-surface</i> drains (where known to exist) through critical source areas.
<b>AREA</b>	No change (ie, the limit of area used for intensive winter grazing remains at 50 hectares or 10 per cent of the area of the farm, whichever is greater).

# All 3 pathways are still proposed to exist

Key differences are the permitted activity conditions (Pathway 1) should address implementation issues and be able to be applied practically on the ground.

The certified farm plan pathway will refer to the updated default conditions.

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## Pathway 1

### Permitted activity

Comply with the default conditions set out in the NES-F

## Pathway 2

### Permitted activity

Obtain a certified freshwater farm plan (which allows no greater adverse effects than the default conditions in pathway 1)

## Pathway 3

### Resource consent

(If neither Pathway 1 or Pathway 2 can be met)

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# Future role of freshwater farm plans

Freshwater farm plans rather than prescriptive rules will ultimately be the best way to manage the effects of winter grazing because they will include a farm-specific risk assessment and include bespoke mitigations to manage effects of intensive winter grazing in other ways.

Longer-term, once certified freshwater farm plans are available and being implemented successfully, the Government will consider phasing out the pathway based on default conditions (Pathway 1). IWG would then be managed through certified freshwater farm plans or resource consents.

Guidance will be developed so that councils, farmers and freshwater farm plan certifiers have a shared understanding of what management of the proposed changes to the pugging, resow, and critical source area conditions will look like. This is to guide the process for freshwater farm plans being able to demonstrate the effects on the environment are no more than would be under the default conditions.

# Pātai | Questions and Discussion



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