

From: [Gavin Smith \(Policy\)](#)
To: Nik.Andic@mfe.govt.nz
Cc: [Guy Kerrison](#); [Neil Deans](#); [Nicki Atkinson](#); [Emily Funnell](#)
Subject: FW: Departmental consultation | Amendments to stock exclusion and intensive winter grazing regulations
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Thank you for the opportunity to comment on the draft paper. Comments are necessarily brief due to time and resourcing.

Overall, we consider that the proposed changes are a step backwards for freshwater, and will impact adversely on NZ's image and primary sector marketing. Other approaches to addressing costs for some farmers have been and should be preferred.

Stock exclusion

s9(2)(g)(i) of Regulations 14, 15 & 18 will remove an important regulatory backstop for voluntary and publicly-funded efforts to improve water quality and maintain remaining wetlands.

This change is out of step with where the majority of the drystock sector is heading (see, for example the farm planning guidance provided by Beef+Lamb and DINZ), and the efforts of many groups and individuals to address the decline in freshwater quality and wetlands. We note the substantial funding that government has provided since 2020 for riparian and wetland fencing (\$100 million plus via Provincial Growth Fund & Jobs for Nature) and to grow catchment groups (\$32 million plus) in addition to funds including MfE's Freshwater Improvement Fund, DOC community conservation funding, and regional schemes such as Kaipara Moana remediation and Waikato / Waipa River restoration.

By removing certainty about where stock exclusion is and isn't required the change may expose some farmers to enforcement action from which they would otherwise have been protected. This is especially the case for wetlands under Regulation 18, as relevant stock exclusion requirements will then turn on a technical assessment of threatened species presence.

In any replacement regulation, we note the desirability of maintaining the exemption for land grazed under concessions (Reg.4) as its loss would make it very difficult for DOC to continue to allow grazing despite its importance to some communities.

Winter grazing

Revocation of the NES-F winter grazing regulations may have the opposite effect to that apparently intended. At present the regulations provide the performance standard for, and alternatives to, applying for a discharge permit. Without those, farmers practising winter grazing will again be vulnerable to enforcement action for illegal discharges.

Concerns about the availability of farm planning certification should be addressed directly where and when they arise.

We note that the regulations were a response to presentation of some terrible images of intensive winter grazing, which prompted EDS legal action to establish whether discharge permits were required. It is generally accepted that they are, and the regulations allow for farm plans or better practice to avoid that. Revocation will weaken farm planning as it will no longer meet this regulatory need.

Risk analysis

Risks are not properly addressed. Increased legal risks for farmers are noted above. The changes will also impose significant risks and costs on councils, which will have to change their plans to compensate for the weakening of controls.

DOC's responsibilities include managing land, wildlife, freshwater fisheries and coastal wetlands, which often depend on upstream and adjacent land use practices. If the practices condoned by the proposed changes remain prevalent, there will be ongoing adverse effects on these resources, recreational and cultural values. Due to the limited opportunity for input we can only note that the additional adverse effects of the proposed changes may be significant for some catchments, protected areas and species, and that DOC will incur additional management costs as a result.

Regards

Gavin Smith

Senior Policy Advisor

Te Papa Atawhai | Department of Conservation

Conservation House, 18-32 Manners St

Box 10 420

Wellington

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