



### **Update on the essential freshwater regulations and work B+LNZ has been undertaking**

Since the essential freshwater regulations were released on 5 August, B+LNZ has been working with other industry organisations such as Federated Farmers and DairyNZ asking the Government and regional councils to rectify issues, particularly with respect to winter grazing, the low slope map for stock exclusion, and to clarify the process around the development of the certified freshwater farm plan.

In the past few weeks B+LNZ has met with Minister Parker twice and with Minister O'Connor in Southland. We have also had meetings with officials at the Ministry for the Environment (MfE) and Ministry for Primary Industries (MPI) and discussions with regional councils.

There has been progress on some issues, and some promising statements on others, and we will continue to work to make the new rules as practical as possible. The following is an update on where things are at.

#### **Winter grazing**

*Most farmers will not need to seek a consent for winter grazing until 1 October 2021.*

- While the proposed winter grazing rules technically come into effect on 31 May 2021, the Ministry for the Environment has advised all regional councils that farmers do not have to apply for a consent until 31 October 2021, as long as farmers do not make any changes to how they have been winter grazing in the past. This is due to an “existing rights” rule protected under Resource Management law.
- If you are, however, planning on changing something with respect to your winter grazing in 2021, then you need to get in contact with your regional council to see what you may need to do.

*We are continuing to seek improvements in the winter grazing permitted activities, and in the processes.*

- Last week, Minister Parker and Minister O'Connor visited Southland and met with the regional council, farmer representatives and farming leaders from B+LNZ, Federated Farmers and DairyNZ.
- As a result of this visit, Environment Southland has been tasked with leading a process to identify a streamlined process for farmers to either get a consent or be certified to undertake their winter grazing from 31 October 2021. Under the new rules, if farmers don't meet the new permitted activities, they either need to seek a consent or be approved through a certified farm plan. The permitted activities are currently so stringent that most farmers will need a resource consent. B+LNZ will be engaging intensively in this process with Environment Southland to make these consenting processes as streamlined and practical as possible.
- In parallel with this, we are continuing to advocate for changes to the winter grazing permitted activities with both the Government and the regional council, so in future farmers will hopefully not need to seek a consent or certified plan pathway. In particular, we are focused on the pugging rules, re-sowing dates and the 10-degree slope rule for hill country forage cropping.

#### **Stock exclusion**

- The Government has acknowledged there are problems with the low slope map for stock exclusion and acknowledged this needs to be fixed.
- MfE has confirmed it is looking to make improvements to the low slope map that is supposed to give effect to the stock exclusion rules.

- We had a good discussion with Minister Parker last week about the low slope map. He acknowledged farmers had "legitimate concerns" as the map was inaccurate and currently identified a lot of steep land as low slope and he agreed this had to be fixed.
- As this stage we understand MfE is intending to "improve the map" and make it more accurate, but we believe that this will be complicated and take a long time as there are significant issues right across the entire country.
- B+LNZ acknowledges the policy that more intensively farmed cattle, deer, and pigs should be excluded from waterbodies on flat land, but believes that extensive high country and extensively farmed land above 10 degrees should be managed through farm plans.
- We are concerned however about giving effect to this policy through a map at the national level, given limitations in spatial accuracy.
- We strongly support an approach where each regional council gives effect to a slope trigger based on the existing quality of local spatial mapping.

We strongly encourage farmers to check the current stock exclusion map and see how it applies to your farm.

- The following is the link to the map:  
<https://mfe.maps.arcgis.com/apps/View/index.html?appid=4431febca3854ee19bb4c67bc94029bb>
- If you have paddocks that are obviously flat and you are running cattle in them, then you should start to make a fencing plan.
- If you have paddocks that are a mixture of slope and low slope, or are clearly steep but identified as low slope, then hold off on making any plans for now while we work with officials on fixing and clarifying the situation.
- If you have steep slope land identified as low slope on the map, we recommend you email your local regional council and MfE so that they can build a better picture of the scale of the issues. Please email [freshwater@mfe.govt.nz](mailto:freshwater@mfe.govt.nz)

### **Certified farm plans**

B+LNZ is advocating for swift progress on developing a certified farm plan that is outcomes based and based on industry approaches.

- Certified farm plans will be a requirement for an increasing number of farmers in the future and are currently an alternative to having to seek a consent for some of the new rules such as winter grazing of forage crops, or stockholding areas.
- The certified farm plans, however, currently do not exist and until they do farmers do not have an alternative pathway to seeking consent for some activities.
- We are encouraging the Government to make progress as quickly as possible on defining what a certified farm plan is, and how they will be rolled out so that farmers won't have to seek a consent. We are also seeking a balance between having a plan that is robust enough to give assurance to regulators but is also capable of being rolled out at scale across New Zealand over a relatively short timeframe.
- We are strongly advocating for an industry-led approach to farm plans that are practical and outcomes based. B+LNZ will shortly be rolling out a new farm plan process, which we believe would meet the Government's requirements for a certified farm plan.

### **How to get more information**

- B+LNZ is holding events around the country with farmers to explain the new rules, what B+LNZ is doing to improve the rules, and the tools we are developing to assist you in meeting them.
- Please keep an eye out for an event in your region.
- Please check out our website for background on the rules including a joint factsheet(s) with Federated Farmers and webinar. Visit <https://beeflambnz.com/freshwaterconsultation>
- MfE also released a series of factsheets on Friday last week that seek to provide further explanation of the rules. We are studying these at present and encourage farmers to read these as well:  
<https://www.mfe.govt.nz/fresh-water/freshwater-guidance/factsheets-policies-and-regulations-essential-freshwater>

We know there is a lot of concern out there about the practicality of some of the new essential freshwater rules and this has come at a difficult time with COVID-19 uncertainty, lingering impacts of drought, and lambing and calving.

B+LNZ is continuing to advocate to improve some of the rules – advocating for sensible freshwater regulation has been a core piece of work for us for many years. Secondly, we're focused on helping farmers understand how the rules will apply to your farm. Thirdly, we are working on resources to help you implement the rules in due course. We will ensure you have the right tools at the right time.



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