

4 September 2024

Hon Chris Bishop
Minister for RMA Reform
C.Bishop@ministers.govt.nz

Hon Todd McClay
Minister of Agriculture
T.McClay@ministers.govt.nz

Hon Penny Simmonds
Minister for the Environment
P.Simmonds@ministers.govt.nz

Hon Andrew Hoggard
Associate Minister for the Environment and Associate Minister of Agriculture
A.Hoggard@ministers.govt.nz

Hon Mark Patterson
Associate Minister of Agriculture
M.Patterson@ministers.govt.nz

Dear Ministers,

Our concerns regarding the SNA Review and RMA reform process

Groundswell NZ is seeking clarification from the Government over the recently announced review of the Significant Natural Area (SNA) legislation.

SNAs were an important election issue for farmers and property owners throughout New Zealand. A key concern was how the SNA legislation trampled over private property rights, a concern echoed by National, ACT, and NZ First during the election campaign

The SNA legislation falls under the National Policy Statement Indigenous Biodiversity, identified by Groundswell NZ in the top four of unworkable regulations. Groundswell NZ continues to receive more complaints from across New Zealand over SNAs and other RMA Section 6 land classifications than on any other issue.

However, the recently announced review of SNAs appears to be focused on the SNA criteria and assessment process, rather than the policy itself. The presumption in the Government's media release is that the SNA policy will remain and, if that is the case, farmers, councils, and conservationists will be bitterly disappointed.

The problem with the SNA policy is not the criteria but how it (and other section 6 classifications such as Landscapes and cultural sites) tramples over property rights, penalises conservation minded landowners, pits councils against their ratepayers, and turns biodiversity on private land into a liability. It is not just a rural issue, but thousands of urban property owners are unfairly impacted too.

The SNA policy must be reviewed in its entirety – examining whether it is achieving anticipated environmental outcomes and in a cost-effective manner. Groundswell NZ is supportive of the new regulation ministry and the SNA policy would be a perfect candidate for a wide-ranging review. We are aware of biodiversity policy alternatives that are delivering positive environmental results with a fraction of the cost and without the grief that the SNA policy causes.

Groundswell NZ is further concerned that this SNA review is putting the cart before the horse, ahead of RMA reform. Our expectation from the Government after the election was that the RMA reform would be looking at key controversial issues, including SNAs and Section 6. We are seeking clarification from the Government if this is still the case and why the Government appears to be locking in SNAs, ahead of the RMA reform.

We are available to discuss these issues - in person or via Zoom.

Yours sincerely,

Bryce McKenzie & Laurie Paterson
Groundswell NZ



From: section 9 (2) (a)
To: section 9 (2) (a); [Nicola Grigg MP](#); [Mark Cameron](#); [Andrew Hoggard](#); [Mike Butterick MP](#); [Mark Patterson](#); [Penny Simmonds](#)
Subject: INV134 Invite attached from Groundswell NZ
Date: Sunday, 28 January 2024 5:18:01 PM
Attachments: [image001.png](#)
[Ag MP Meeting invite - 27.01.24.pdf](#)

Please see invitation to meet with Bryce and Laurie attached.

Kind regards,

section 9 (2) (a)

section 9 (2) (a)





Groundswell NZ

PO Box 93, GORE 9740

27 January 2024

Todd McClay
Penny Simmonds
Nicola Grigg
Mark Cameron
Andrew Hoggard
Mark Paterson
Mike Butterick

We write to request a meeting with you all, either in Wellington or in Southland if you are in our region for the Southern Field Days (14-16 Feb). We would be available to travel either the week of 26 February or week of 18 March.

Groundswell has received extensive feedback from farmers (we are sure you have heard it too) who are committed to improving the environment but are hamstrung by impractical, costly and time-consuming regulations.

We acknowledge the changes you have in the pipeline, but are concerned that the big pressure points on farmers in the next 12 months will be Freshwater Policies such as consents, regional plan roll-outs, freshwater farm plans along with SNA's and SASM.

The opportunity to meet with you would allow us to give you the grass-roots view of what is happening to farmers in these areas and help you to plan next steps to give farmers confidence.

Kind regards
GROUNDSWELL NZ

Bryce McKenzie & Laurie Paterson
Co-founders

From: [Groundswell NZ 2020](#)
To: [Christopher Bishop \(MIN\)](#); [Todd McClay \(MIN\)](#); [Penny Simmonds \(MIN\)](#); [Nicola Grigg \(MIN\)](#); [Andrew Hoggard \(MIN\)](#); [Mark Patterson \(MIN\)](#); [Simon Court](#); [Stuart Smith](#); [Mark Cameron](#); [Miles Anderson](#); [Mike Butterick](#)
Subject: COR287 Letter from Groundswell NZ about RMA reform and Freshwater Farm Plan Regulations
Date: Wednesday, 27 March 2024 6:29:40 PM
Attachments: [20240327 Letter to Government re RMA Section 6 and FWFPs.pdf](#)
[Groundswell NZ - Freshwater Farm Plan Regulations destined to fail.pdf](#)

Dear Ministers and MPs

Please see attached a letter from Bryce McKenzie and Laurie Paterson, co-founders of Groundswell NZ, about RMA reform and Freshwater Farm Plan Regulations.

Also attached is a document detailing the Groundswell NZ position on Freshwater Farm Plans, referred to in the letter.

Kind regards

section 9 (2) (a)

Freshwater Farm Plan Regulations destined to fail

The Freshwater Farm Plan Regulations 2023 were established by the previous (Labour) government. Under this legislation, all livestock and arable farmers with over 20 hectares and all horticulturists with over 5 hectares require a certified Freshwater Farm Plan (FWFP), as prescribed by the legislation. The dates to have a certified FWFP vary across the regions from 2024 through 2026.

While the new coalition government have indicated there will be changes to the legislation, this does not recognize the legislation is destined to fail for several key reasons:

- The legislative framework that underpins the Freshwater Farm Plan regulations does not provide for practical, cost effective and workable farm plans in many situations.
- As identified by MfE from the original submission process, mandatory Freshwater Farm Plans were opposed by “...a large number of sheep and beef farmers.” The legislated farm plans do not have the buy-in of farmers and have been strongly resisted by one of the first of the 2 areas to go live – Aparima in Southland. Groundswell NZ has called for farmers to boycott the Freshwater Farm Plans.
- The legislation’s inflexibility does not account for the constant change in markets, weather, and natural events that impact farming. It fails to recognize that every farm and farming family are different and operate within constantly changing budgetary constraints.
- The legislation undermines the value of farm plans and represents a major lost opportunity to implement a valuable environmental management tool for farmers. The FWFP’s do not empower farmers in environmental stewardship/Kaitiakitanga, which is a critical component of successful integrated farm environmental planning.

The legislation has multiple flaws and impractical elements including:

1. A one-size-fits-all approach, extensively prescribed, including around what is included in FWFPs, certification and auditing requirements, and information to be submitted to regional councils.
2. It is heavily focused on ticking boxes – an unavoidable consequence of the way the legislation is drafted.
3. The extensive FWFP legislated requirements will add to the compliance overload and stress on farmers.
4. Farmers pay for the costs of preparing the farm plans, certification, and auditing (ongoing cost) meaning less money available for environmental spend on the ground.
5. There is no clarity around peoples’ privacy and private property information. Regional Councils must keep records of all farm plans including farm details, maps, action plans, certification details and audit grades and may request a full copy of a FWFP. Because this farm plan system is to be implemented by Regional Councils under Government legislation, (rather than an industry led initiative), the public information obligations apply. There are

examples where information submitted by farmers through farm plans, funding applications and consents is being used for other purposes without the farmers knowledge. If anyone claims that private property information is protected, ask them where it says that in the legislation.

6. Farmers are required to meet all existing rules (including unworkable ones) relating to freshwater. Thousands of farmers will face a certified plan they cannot practically or financially implement, and many will face the prospect of having to undertake major changes in how and what they farm. An analysis of the FWFP system in Canterbury revealed that it will be impossible for most hill and high-country farmers to implement their certified plan and pass the audits without a change away from farming livestock.
7. While on the one hand, the role of certifiers is extensively prescribed, on the other hand, they (unlike council staff) are given a huge amount of unfettered power to require farmers undertake actions even if the farming activity is permitted or the catchment has no or minor freshwater issues.
8. The new legislation changes the ball game for existing farm plans, which will need to be updated and brought into line with the new requirements. This legislation overrides all existing successful voluntary industry and regional council farm plans. All that work over many years undermined.
9. The extensive obligations on certifiers and auditors and increased risk/liability implications are causing a reluctance to take on these roles. The farmer certifier/auditor relationship will be fraught with frustration and conflict - an inevitable outcome from inflexible and unworkable legislation.
10. Resourcing the certifier and auditor roles and additional regional council staff will be a challenge. There will be few, if any, practitioners currently qualified enough and with the legislated competencies to be a certifier or auditor.
11. The siloed focus on freshwater in the FWFP legislation is contrary to integrated management principles and will deliver perverse outcomes. Farmers will be forced to prioritize funding to freshwater actions detailed in their Freshwater Farm plans (to pass audits), and this will at times be at the expense of greater priorities such as protecting biodiversity and weed and pest control.
12. There is huge uncertainty around how FWFPs will meet Te Mana o te Wai (the priority is the vital importance of the life supporting capacity of water) and the Catchment Context, Challenges and Values (CCCV) approved by the regional councils, particularly around how contaminant limits such as nitrogen would apply and where community values determine that there should be heavily restricted or no farming in the catchment.
13. Certifiers, auditors, and regional councils are placed in the unenviable position of having to enforce a legislated requirement that is widely opposed by farmers. Conflict is inevitable.
14. Every farmer requires a state-prescribed FWFP, regardless of the effects or intensity of their activities, or whether there are any water quality issues within their catchment. This unfettered state control is a significant departure from the effects-based approach of the RMA.



Groundswell NZ has developed an alternative approach to farm plans in The Groundswell Solution, including integrated farm plans that empower farmers in environmental stewardship and a focus on actions prioritising the most important environmental risks and issues.

section 9 (2) (a)

Groundswell NZ environmental spokesperson

section 9 (2) (a)



Groundswell NZ

27 March 2024

To Ministers and Members of Parliament.

We appreciate recent action by the Government to fix unworkable environmental regulations, including the repeal of Labour's RMA reforms and suspension of Significant Natural Areas (SNAs).

However, there are 2 laws that urgently need addressing:

The first is **Section 6 RMA matters of National Importance**, including wetlands, lakes and rivers (a), landscapes and features (b), SNAs (c), sites and areas of significance to Māori (e) and heritage (f).

The problem with SNAs identified by the government equally apply to all RMA Section 6 matters. The inherent problem is not SNAs, it is Section 6 and its lack of respect for people, property owners and property rights, impacts on property values, and the way in which councils implement the legislation.

Groundswell NZ receives more complaints about Section 6 matters than any other legislation. We are currently fielding concerns from across the country from distraught property owners being impacted by Section 6 issues. This issue brings disruption into people's lives, wastes millions of dollars and fails to deliver on long term environmental outcomes.

The most recent case is the draft Waitaki District plan where our LGOIMA request has revealed that 540,000 hectares (75% of the district land area) is proposed to be captured under Section 6 regulatory classifications. Waitaki residents have initiated a petition opposing these Section 6 classifications.

The longer this Section 6 legislation stays in place, the more community upheaval it will cause and at a huge cost. It is urgent that the government take steps to halt the implementation of Section 6 as soon as possible.

The second legislation requiring urgent action is the **Freshwater Farm Plan Regulations 2023**. Again, we are fielding concerned calls from around the country, the latest from Marlborough farmers - frustrated that their council is ploughing ahead with the Freshwater Farm Plan legislation regardless. Farmers had assumed that this legislation was to be paused as part of the coalition governments rewrite of Labour's unworkable Freshwater reforms.

It is unclear whether the coalition government intends to continue with Labour's Freshwater Farm Plan legislation, one that is widely opposed by farmers. This legislation is flawed in so many ways (see attached), that a substantial rewrite or repeal is necessary. Given this, it will be a huge waste of council and farmer resourcing, money and time to meet existing deadlines and requirements - when

at the very least, a significant rewrite is required. It is urgent that these deadlines are extended, coupled with a clear indication to regional councils that the legislation will change.

Groundswell requests clarification on these issues so we can report back to our supporters what they can expect. We are available to discuss these issues - in person or via Zoom.

Yours faithfully,

Bryce McKenzie & Laurie Paterson
Groundswell NZ



Groundswell NZ

From: [Andrew Hoggard \(MIN\)](#)
To: [Groundswell NZ 2020](#)
Bcc: [section 9 \(2\) \(a\)](#)
Subject: RE: COR287 Letter from Groundswell NZ about RMA reform and Freshwater Farm Plan Regulations
Date: Wednesday, 8 May 2024 9:01:00 AM
Attachments: [CORM-2350 Bryce McKenzie.pdf](#)
[image001.jpg](#)

Dear Michael,

Please see attached a letter from Hon Andrew Hoggard responding your concerns about RMA reform and Freshwater Farm Plan Regulations.

Kind Regards,



Office of Hon Andrew Hoggard
Minister for Biosecurity
Minister for Food Safety
Associate Minister of Agriculture (Animal Welfare, Skills)
Associate Minister for the Environment

Email: [xxx@xxx](#) | **Website:** www.Beehive.govt.nz
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Authorised by Hon Andrew Hoggard, Parliament Buildings, Wellington

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From: Groundswell NZ 2020 <[section 9 \(2\) \(a\)](#) com>
Sent: Wednesday, March 27, 2024 6:29 PM
To: Christopher Bishop (MIN) <.@..>; Todd McClay (MIN) <.@..>; Penny Simmonds (MIN) <P.Simmonds@ministers.govt.nz>; Nicola Grigg (MIN) <.@..>; Andrew Hoggard (MIN) <.@..>; Mark Patterson (MIN) <M.Patterson@ministers.govt.nz>; Simon Court <.@..>; Stuart Smith <.@..>; Mark Cameron <Mark.Cameron@parliament.govt.nz>; Miles Anderson <.@..>; Mike Butterick <.@..>
Subject: COR287 Letter from Groundswell NZ about RMA reform and Freshwater Farm Plan Regulations

Dear Ministers and MPs

Please see attached a letter from Bryce McKenzie and Laurie Paterson, co-founders of Groundswell NZ, about RMA reform and Freshwater Farm Plan Regulations.

Also attached is a document detailing the Groundswell NZ position on Freshwater Farm Plans,

referred to in the letter.

Kind regards

section 9 (2) (a)



COR287/CORM-2350

8 May

Bryce Mckenzie
Laurie Paterson
Groundswell NZ
section 9 (2) (a)

Dear Bryan and Laurie,

Thank you for your letter of 27 March 2024 about Section 6 Resource Management Act (RMA) matters of National importance and Freshwater Farm Plan Regulations 2023 (FW FP). I am replying to you as the issues you raise relating to FW FPs fall within my portfolio responsibilities as Associate Minister for the Environment. I understand that my colleague, Hon Chris Bishop, has responded to you separately regarding section 6 RMA matters of national importance.

Sector groups and farmers have told us the current system is too costly and complex, and that improvements are needed. This is why the Government has recently announced that we intend to improve the freshwater farm plan system, so it is more cost-effective and practical for farmers. We believe that farm plans should be able to highlight the work that many farmers and growers are already doing to reduce the impact of farming activities on the freshwater environment, and we want to enable farmers and growers to find the right solutions that are tailored for their farm and catchment.

We want an enduring system to manage risks of farming on freshwater through the improvements that are made. It is important that councils and the community can have confidence in the robustness of the freshwater farm plan system as an alternative to local rules and consents.

We want to build on the good work of farmers in their regions while ensuring any improvements to the system do not result in sudden changes to plans already being developed. We are exploring how to make any changes fair for all farmers. As part of this, we may look into whether current requirements to complete a freshwater farm plan could be paused while improvements are developed.

Thank you again for writing.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A. Hoggard'.

Hon Andrew Hoggard
Associate Minister for the Environment

From: section 9 (2) (a)
To: section 9 (2) (a); [Andrew Hoggard](#); [Mark Patterson](#)
Cc: "[Bryce McKenzie](#)"; "[Laurie Paterson](#)"; "section 9 (2) (a)"
Subject: letter attached from Groundswell
Date: Monday, 20 May 2024 12:31:06 PM
Attachments: [image001.png](#)
[Methane Review letter - 20.05.24.pdf](#)

Please see attached.

Kind regards,

section 9 (2) (a)

section 9 (2) (a)





20 April 2024

Dear Todd Maclay, Andrew Hoggard and Mark Patterson

We write to outline our concern regarding the upcoming Methane Science Review. We see this review as an excellent opportunity to provide the industry and government with a definitive framework to which agriculture's contribution to climate change can be assessed.

There are two main streams of research that the industry is seeking clarity on with regards to Methane;

1. The new research outlined by Happer and Wijngaarden which proposes water vapour dominates Methane within the radiative spectrum.
2. The current IPCC research (including GWP*) and how could be applied to agriculture.

To accurately assess the warming effect of Agriculture there will need to first be a decision as to which of these two competing theories stands up to the detailed scrutiny of the review. To achieve this outcome, we believe there must be at least one expert in the field of **radiative spectrum analysis** on the panel, such as David Coe or person of similar qualifications.

We also ask that you consider candidates that offer different perspectives to ensure balance and impartiality on the panel. Groundswell NZ is mindful of the recent situation where the Rural Advocacy Network challenged some research conducted by Environment Canterbury which was found to be flawed. This scientific assessment of land reclamation of braided rivers had been reviewed multiple times by qualified experts who found no errors. It was not until an independent review was conducted at the behest of RAN that the errors were acknowledged. There was never a question of the reviewers being sufficiently qualified, this was a question of the reviewers being impartial.

Everyone involved in the Methane Science discussion is seeking clarity and a definitive outcome so energy can be directed towards solutions and promoting our climate credentials. It would be a major missed opportunity for both the government and farmers if the Methane review panel was seen to be favouring a particular outcome. In essence, it will have achieved nothing.

Groundswell NZ is willing to get behind which ever theory on Methane's warming effect proves most robust, most importantly to us is that the review is conducted with accuracy and impartiality.

Yours sincerely,

Bryce McKenzie & Laurie Paterson
GROUNDSWELL NZ