

14 February 2021

Karen Wilson
Science Team Lead
Environment Southland

By email

Dear Karen,

RE: Further DairyNZ feedback on technical limit-setting reports

In early December DairyNZ provided a high-level overview of its concerns and recommendations as part of the Science Stakeholder Review, Limit-setting. This review was completed under significant time pressures and simply gave a high-level overview of DairyNZ's concerns and recommendations, based on the expert opinion of Dr Craig Depree.

The attached detailed technical review conducted by Dr Depree provides further and necessary detail following the above overview. Dr Depree has highlighted concerns with respect to the methodology used to determine the nutrient load reductions required to achieve the Southland draft freshwater objectives. Dr Depree has also provided recommendations to resolve these concerns in the attached technical feedback.

Again, we acknowledge the significant amount of work Environment Southland staff and contractors have undertaken on the limit-setting process thus far and are grateful for the opportunity to review this work.

Councils are required to set limits using the best information available.¹ As stated in our earlier feedback, we accept that uncertainties in this information are not a reason not to act. However, there are some critical issues with the current modelling approach being relied on, such that it cannot be considered the best information. These issues need to be resolved before the modelled outputs can be used to inform limit-setting with confidence.

The key implications of the modelling outputs, as they currently stand, are that landowners may be required to make additional nutrient reductions over and above that required to meet the community's water quality objectives. These additional reductions would incur unnecessary & potentially significant costs to Southland businesses, their employees, and the regional economy. In

¹ 1.6 Best information (1) A requirement in this National Policy Statement to use the best information available at the time is a requirement to use, if practicable, complete and scientifically robust data. (2) In the absence of complete and scientifically robust data, the best information may include information obtained from modelling, as well as partial data, local knowledge, and information obtained from other sources, but in this case local authorities must: (a) prefer sources of information that provide the greatest level of certainty; and (b) take all practicable steps to reduce uncertainty (such as through improvements to monitoring or the validation of models used). (3) A person who is required to use the best information available at the time: (a) must not delay making decisions solely because of uncertainty about the quality or quantity of the information available; and (b) if the information is uncertain, must interpret it in the way that will best give effect to this National Policy Statement.

some cases, these additional and unnecessary nutrient reductions could result in business insolvency and serious impacts on community well-being.

Economic efficiency and impacts on social well-being are matters that Environment Southland will need to consider in its evaluation of the limit-setting policy framework, and in its decision making with respect to this framework.² Given this requirement, it would make sense to consider these matters at this relatively early stage in the limit-setting process.

It is critical that required nutrient reductions are underpinned by scientifically robust information. Our view is that this is not currently the case. Additionally, the scientific basis for landowner action needs to be clear and supported by the community, so that that community buys-in to the need for on-farm change.

² S32 Requirements for preparing and publishing evaluation reports

(1) An evaluation report required under this Act must—

(a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and

(b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—

(i) identifying other reasonably practicable options for achieving the objectives; and

(ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and

(iii) summarising the reasons for deciding on the provisions; and

(c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

(2) An assessment under subsection (1)(b)(ii) must—

(a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—

(i) economic growth that are anticipated to be provided or reduced; and

(ii) employment that are anticipated to be provided or reduced; and

(b) if practicable, quantify the benefits and costs referred to in paragraph (a); and

(c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

s5 Purpose

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

*(2) In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*

sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

*(b) **safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and***

*(c) **avoiding, remedying, or mitigating any adverse effects of activities on the environment.***

With respect, DairyNZ seeks the following outcomes:

1. That further work is undertaken to address the concerns identified in the review to ensure decision makers are aware of the unquantified uncertainty in the modelling undertaken and the significant implications of carrying this uncertainty through into the policy framework for landowners and the community.
2. That Environment Southland makes this letter and the DairyNZ technical feedback available to the wider science /stakeholder group and the regional forum.
3. That Environment Southland makes the DairyNZ submission available as part of any independent external review.

Once again, thank you for your consideration of this review. We are available to answer any questions you may have with respect to the review.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Charlotte Wright', with a long horizontal flourish extending to the right.

Charlotte Wright
Senior Policy Advisor
DairyNZ