

## Next steps for fresh water

### SUBMISSION FORM

The Government is seeking views on the way fresh water is managed in New Zealand.

For more information about the Government's proposals read our [Next steps for fresh water consultation document](#).

**Submissions close at 5.00pm on Friday 22 April 2016.**

### Making a submission

You can provide feedback in three ways:

1. Use the online submission form available at [www.mfe.govt.nz/consultation/next-steps-fresh-water](http://www.mfe.govt.nz/consultation/next-steps-fresh-water). This is our preferred way to receive submissions.
2. Complete this submission form and send to us by email or post.
3. Write your own submission and send to us by email or post.

### Publishing and releasing submissions

All or part of any written submission (including names of submitters) may be published on the Ministry for the Environment's website [www.mfe.govt.nz](http://www.mfe.govt.nz). Unless you clearly specify otherwise in your submission, we will consider that you have consented to website posting of both your submission and your name.

Contents of submissions may be released to the public under the Official Information Act 1982 following requests to the Ministry for the Environment (including via email). Please advise if you have any objection to the release of any information contained in a submission and, in particular, which part(s) you consider should be withheld, together with the reason(s) for withholding the information. We will take into account all such objections when responding to requests for copies of, and information on, submissions to this consultation under the Official Information Act.

The Privacy Act 1993 applies certain principles about the collection, use and disclosure of information about individuals by various agencies, including the Ministry for the Environment. It governs access by individuals to information about themselves held by agencies. Any personal information you supply to the Ministry in the course of making a submission will be used by the Ministry only in relation to the matters covered by this consultation. Please clearly indicate in your submission if you do not wish your name to be included in any summary of submissions that the Ministry may publish.

## Submission form

The questions below are a guide only and all comments are welcome. You do not have to answer all the questions. To ensure your point of view is clearly understood, please explain your rationale and provide supporting evidence where appropriate.

## Contact information

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\* Questions marked with an asterisk are mandatory.

## Fresh water and our environment

1. Do you agree that overall water quality should be maintained or improved within a freshwater management unit rather than within a region? Why or why not?

Yes

No

We understand that the setting of objectives, policies and rules at a regional level has led to the reiteration of these same provisions at a FMU level. There can still be overarching objectives that apply at a regional level to provide a strategic direction and methods, while setting water quality values at local level.

It is noted that Policy A1 currently gives effect to Objective A2 by requiring fresh water quality limits to be set at the FMU level. It may be useful to acknowledge that appropriate water quality standards vary at the sub-catchment level within an FMU, and so to provide for water quality overall at FMU may be desirable.

However, there are unnecessarily complex, expensive and time consuming problems arising under the current process where local community groups at a catchment level are devising new rules, definitions and methods for controlling nutrient loss to meet the NPS-FM Objectives.

From the perspective of the fertiliser industry, the management of nutrient loss and the methods to control nutrient loss are relatively consistent across the nation. There should be national and regional consistency in the terms, definitions and methods applied, however, it is recognised the local issues and water quality standards to be met can be different for each region or even catchment, as can the economic, social and cultural implications.

Within a nationally consistent framework for policies, methods and rules, the setting of standards within NOF and assessing social economic and cultural impacts should be applied at catchment or even sub-catchment basis using FMU.

2. How should the attributes be applied, or the values protected, in giving effect to the requirement to maintain or improve overall water quality? Please explain.

The document refers to attribute bands specified in the National Objectives Framework (NOF), which would seem a preferable approach to having an inflexible absolute standard.

There is also the ability for Councils to identify additional values that do not have an attribute or band such as, mahinga kai or recreational fishing. It is indicated that Council will need to demonstrate maintenance of the value using measures such as, for example, catch levels and health of the fish. This potentially introduces a level of uncertainty as each Council can introduce different values and methodologies for ascertaining current and monitoring future standards.

To provide a level of certainty for land users and to ensure national consistency in approach, there should be clear guidelines for demonstrating adherence to the additional national values.

We consider that Councils should consult with the community including urban, industrial and, primary industry organisations, Iwi and parties such as Forest and Bird, Fish and Game and DOC on application of the national values and attribute bands at the local level, but that the final set of values and attributes bands is determined by the Council following consistent national guidelines.

We envisage that the Council would engage a panel of experts in water quality and ecology to assist the consultation and final determination process, and that the final provisions would be subject to a Sect 32 process to determine their appropriateness, efficiency and effectiveness. The community would have the ability to submit on the provisions through the public submission process.

The discussion document acknowledged the need for realistic time frames and this should be included in consideration of the way attributes and additional values are to be applied where improvement is required.

3. What is an appropriate way to include measures of macroinvertebrates in the National Policy Statement for Freshwater Management? What alternative measures could be used for monitoring ecosystem health?

The fertiliser industry is aware that that in different arenas, there has been generally good support for an assessment of the macroinvertebrate community as an indicator. The Association is also aware that a range of potential indicators, based on macroinvertebrates, are available, each with pros and cons.

Nationally consistent monitoring and reporting is recognised as highly desirable and this may require a review of current processes and protocols undertaken by Regional Council in assessing macroinvertebrate community health.

Guidance of an expert panel is required to determine which of the potential macroinvertebrate indicators are most suitable, and whether or not it is appropriate to retain them as indicators rather than firm 'Attributes' under NOF.

If retained as indicators, rather than attributes, national consistency in monitoring and reporting is still supported.

4. What information should be required in a request to include significant infrastructure in Appendix 3 of the National Policy Statement for Freshwater Management, and why would this information be important?

There is potential for undue pressure to be placed on primary industry to reduce nutrient loss to meet water quality values which are also significantly impacted on by, for example, municipal wastewater discharge. Provision for reduced water quality standards and for remediation/mitigation options within reasonable time frames, where existing infrastructure makes it uneconomic to achieve water quality standards, should be provided for.

For significant infrastructure, reporting and accountability for contaminant losses to waterways should still be required, so that there is full account taken of nutrient loads.

5. Do you agree with applying lake attributes and national bottom lines to intermittently closing or opening lakes or lagoons? Why or why not?

Yes

No

This seems to only apply to the South Island and all the ICOLLS identified have (poor) water quality issues.

We acknowledge that some Councils are already undertaking work with their communities to improve water quality in ICOLLS. Determining achievable standards may need to be addressed on case by case basis, rather than a universal standard.

However, we suggest that it is appropriate to include bottom lines for ICOLLS, recognising their attributes, even if timeframes are very long. If there are no bottom lines, we are concerned as to what standards the lakes will need to achieve or maintain. Decades is still an appropriate timeframe for many waterbodies within the NPS.

We consider that the issue is a matter of having a target and appropriate timeframes, which may be specific to each of the nominated ICOLLS, rather than 'National' standards applying to all ICOLLS.

6. What information should be required in a request to list a water body in Appendix 4 of the National Policy Statement for Freshwater Management, and why would this information be important?

We suggest that at a minimum, the following information would be required:

Determine how far the water quality is below the bottom line. This should be qualitative and quantitative and the methodology should be included.

State the reasons for this, e.g. runoff from farming activities, significant infrastructure, naturally occurring sources of nutrients etc.

The options considered to address water quality including a cost/benefit analysis. This can be qualitative and quantitative and include environmental and economic costs plus, social and cultural factors.

The proposed temporary/short term water quality objectives that will be set below the bottom line.

Timeframes for achieving national bottom line, or stating if never likely to be achieved

The proposed review date.

This information is required to determine why/if the waterbody should be listed in Appendix 4. Clear and quantifiable justification should be required. Secondly, understanding the issues may enable solutions to be found.

7. Do you agree with the proposed requirements and deadlines for excluding livestock from water bodies? Why or why not?

Yes

No

There is general support for the principles of excluding stock from waterways. There is support for stepped timeframes to achieve requirements, with first priority being dairy land use, and excluding sheep and goats. There are still issues to be resolved in terms of appropriate extent and boundaries for fencing requirements on less intensive hill country which must be clarified before appropriate requirements and timeframes can be commented on or agreed.

Riparian buffer requirements will vary greatly depending on site specific circumstance and if the objective of keeping stock out of water ways is achieved, it is appropriate that no additional requirements apply to riparian buffers.

Further engagement with representative primary industry bodies is supported for all matters relating to excluding livestock from water bodies.

## Economic use of fresh water

8. Should standards for efficient water use be developed? Should standards for good management practices for diffuse nitrogen discharges be developed? Who should be involved in their development? When should they be applied to consents (eg, on consent expiry and/or on limit setting and/or permanent transfer)?

'Industry Agreed Good Management Practices' are currently developed and supported. Primary industry generally supports that industry agreed GMP should be applied regardless of whether a catchment is over-allocated or under-allocated.

FANZ considers there is insufficient robust science and methodology to set a reliable 'GMP N Loss Standard' for the range of farm systems under different soil and climate combinations. Imposing assumed 'GMP N loss standards' will likely result in great variability and inconsistency in application N discharge allowances.

For many farms reporting farm nutrient loss under one methodology and using this to try to meet an assumed 'GMP N loss standard' developed under a different methodology will be fraught with difficulties and inconsistencies.

To avoid even greater variation arising from Regional Council and sectors each developing different standards and methods, one nationally consistent and robust approach is desirable, provided it is scientifically sound, defensible and agreed.

We consider that it would be efficient if there was some nationally consistent guidance in the NPSFM on how to apply GMP. This does not necessarily mean writing good management practice but providing a set of national guidelines. It would also assist in cementing the use of GMP as a flexible method of managing nutrient discharges rather than necessarily relying on absolute standards.

Farmers, water users, regional councils, primary industry sector representative groups, industry experts including FANZ, should be involved in this process.

Introduction of a new consent condition should apply when there is some type of change to the resource consent for other reasons, i.e. renewal, new consent, review of conditions or permanent transfer.

9. Do you support easier transfer of consents? Do you think the changes outlined in Proposal 2.4 would better enable transfers? What other changes would better enable transfers?

The transfer of consents would appear to work in principle, and in the fullness of time will likely provide the efficiencies being sought. However, in the interim allocation issues and uncertainties about regulatory restrictions on farming activity create an obstacle to successful implementation of transfers. Presumably a temporary transfer would lapse and the allocation would automatically return to the original consent holder? Again, this is unclear.

The definition of 'higher value uses' would require an economic determination, and the required process and costs need to be clear.

Whilst Proposal 2.4 refers to 'transfers are permitted', it is expected that any transfer would be subject to a consent process i.e. at least a Controlled Activity unless the Permitted Activity standards provide for the applicant to provide information of the transfer to the Council for its records.

A fully public register of water takes or discharge allowances would not be necessary or desirable for encouraging engagement in the process.

The options for enabling users groups to provide for low cost transfers within a catchment requires close engagement with industry representative bodies.

From a planning perspective, land users require certainty with regard to the temporary/permanent re-allocation of any discharge. A clearly thought through transfer scheme and mechanisms to register and provide for transfers will be required. The NPS-FM may need to provide some guidance on the type of changes that could be made to conditions of consent at the time of a temporary/permanent transfer. There needs to be certainty that landowners would be able to discharge the same volume(s) once the temporary transfer consent is relinquished/lapses, so that they are not penalised for engaging in temporary transfers for improved efficiency overall.

10. How should the Government help councils and communities address over-allocation for water quality and water quantity? Should it provide guidance, rules or something else (please specify)?

Any assistance should be quite directive and potentially reduce the work being done by each Regional Council each time it prepares a Plan or Plan Change to address water quality/nutrient discharges.

With respect to developing planning provisions a comprehensive Section 32 analysis of the social, economic and cultural impacts of proposed methods is beyond the resources of some Regional Councils and central government support would be beneficial.

There are unnecessarily complex, expensive and time consuming problems arising under the current process where local community groups at a catchment level are devising new rules, definitions and methods for controlling nutrient loss to meet the NPS-FM Objectives.

From the perspective of the fertiliser industry, the management of nutrient loss and the methods to control nutrient loss is relatively consistent across the nation. There should be national and regional consistency in the terms, definitions and methods applied. Standards to be met could be set locally to reflect local values for environmental, economic, social and cultural needs of the community.

11. Should councils have greater flexibility in how they meet the costs of improving freshwater management? For example, by recovering costs from water users and those who discharge to water? Please provide examples.

We do not have a firm view on this matter but would suggest that Council's retain flexibility in how they meet the costs of improving freshwater. Principles of fair costs, and enabling legally developed land use activities and investments, must be provided for. The vulnerability of businesses to additional costs must be factored into approaches under consideration.

Whilst Council's often face a direct financial cost in implementing measures to improve water quality, landowners also face direct costs (fencing of waterways) and indirect costs through changes to land use management and intensity of use. The communities willingness to pay for the benefits being demanded by the community should also be factored in.

## Iwi rights and interests in fresh water

12. How can the Government help councils and communities to better interpret and apply Te Mana o te Wai in their region?

13. Should councils be required to identify and record iwi/hapū relationships with freshwater bodies, and how should they do it?

14. What would support councils and iwi/hapū to engage about their values for freshwater bodies?

15. What are your views on the proposal for a new rohe-based agreement between iwi and councils for natural resource management? What type of support would be helpful for councils and iwi to implement these to enable better iwi/hapū engagement in natural resource planning and decision-making?

16. What are your views of the proposed amendments to water conservation orders? Outline any issues you see with the process and protection afforded by water conservation orders?

17. If you are involved with a marae or live in a papakāinga, does it have access to clean, safe drinking water? What would improve access to clean, safe drinking water for your marae or papakāinga?

It is noted that proposal 3.5 and 3.6 require changes to the RMA itself. This will be subject to its own process through Parliament, including public consultation and engagement.

As an overall comment on Questions 12 to 17, the principles of co-management are recognised and processes to better interpret and apply the values and principles of Te Mana o te Wai should be open and transparent.

## Freshwater funding

18. Do you agree with the proposed criteria for the Freshwater Improvement Fund? Why or why not?

The overall principles for funding projects which deliver clear environmental benefits appear reasonable.

Concern is held about the inference that of the \$100 million allocated to support the retirement of farmland through the purchasing of that land, the funds should now be watered down by broadening the scope and focus to use the funding for environmentally based projects.

Where Regional Council regulation is being developed to prohibit legally developed farming activities in certain locations, fair compensation and purchase of land for retirement is appropriate use of the government funds allocated for that purpose. To reallocate the funds already set aside for this purpose, would only be acceptable if the retirement of the land does not eventuate, the funds allocated to land under pressure of retirement enables it to instead farm sustainably within limits or areas retired are reduced in proportion to the funds re-allocated to other projects.

## Other comments

19. Do you have any further comments you wish to make about the Government's proposals?



## Releasing submissions

Your submission may be released under the Official Information Act 1982 and may be published on the Ministry's website. Unless you clearly specify otherwise in your submission, we will consider that you have consented to website posting of both your submission and your name.

**Please check this box** if you would like your name, address, and any personal details withheld.

Note that the name, email, and submitter type fields are mandatory for you to make your submission.

## When your submission is complete

If you are emailing your submission, send it to [watersubmissions@mfe.govt.nz](mailto:watersubmissions@mfe.govt.nz) as a:

- PDF
- Microsoft Word document (2003 or later version).

If you are posting your submission, send it to Freshwater Consultation 2016, Ministry for the Environment, PO Box 10362, Wellington 6143.

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