

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of submissions by Federated Farmers of New Zealand (Inc) to the Minister for the Environment's Board of Inquiry on the Proposed National Policy Statement for Freshwater Management

**STATEMENT OF LACHLAN MCKENZIE
ON BEHALF OF FEDERATED FARMERS OF NEW ZEALAND (INC)**

INTRODUCTION

1. My name is Lachlan McKenzie, Federated Farmers of New Zealand (Inc) National Board Spokesperson on Water. I hold the qualifications of a Bachelors of Agricultural Science from Massey University. I have been a member of Federated Farmers for 25 years and I am also a farmer in the Rotorua area.
2. With me today is Brigid Buckley, Federated Farmers Policy Advisor¹ and Kevin Mitchell, Provincial President for Hawke's Bay Federated Farmers. Both Ms. Buckley and Mr. Mitchell are available to answer any questions that you may have.
3. Federated Farmers welcomes the opportunity to present this statement on the Proposed National Policy Statement for Freshwater Management (Proposed NPS).
4. The comments expressed in this statement are representative of Federated Farmers member views and experiences with the management of freshwater resources throughout New Zealand. It reflects the fact that freshwater management as well as statutory plans and policies impact our members' daily lives as farmers, landowners and New Zealanders.
5. This statement was formulated after consultation with our members, policy staff and industry groups. Therefore, it is important that this statement is not viewed as a single statement, but rather as a collective one that represents the opinions and views of our members.

SCOPE OF STATEMENT

6. This statement will:
 - Provide an overview of farming and freshwater management in New Zealand as well as outline the Federation's involvement to date in the freshwater management policy development and initiatives; and
 - Address those matters of concern to Federated Farmers in relation to the Proposed NPS and the relief sought.

FARMING AND FRESHWATER MANAGEMENT IN NEW ZEALAND

7. Freshwater is a key component of any farm business. Our members take their obligation to use water efficiently seriously and aim to ensure that their activities do not compromise water quality.

¹ Qualifications of Bachelor of Environmental Management and Post-graduate Diploma in Resource Studies, both from Lincoln University. I am a member of the New Zealand Planning Institute.

8. Federated Farmers actively promotes and encourages our members to use good farm management practices to ensure that the quality of our water resource is maintained or enhanced. As part of this, we:
 - Actively participate in planning, policy and other government processes such as the pan-sectoral Primary Sector Water Partnership and the Land and Water Forum.
 - Develop and promote tools and mitigation practices that can be used by our members to address freshwater issues at a farm-level. This includes campaigns aimed at improving water quality and allocation regimes.
 - Provide advice and support to members on freshwater management.
9. Our members are also subject to industry-specific freshwater management initiatives. For example, dairy farmers who supply milk to Fonterra Co-operative Group Limited (Fonterra) must also adhere to the Dairy and Clean Streams Accord (Accord).
10. The Accord requires farmers to take proactive measures to reduce their impacts on the quality of New Zealand's freshwater bodies by a nominated/scheduled date. These measures include fencing along lakes, streams and rivers, riparian planting, compliance with resource consents and the implementation of nutrient management plans.
11. Further our members' voluntarily invest hundreds of thousands of dollars in restoring wetlands, fencing off areas of indigenous vegetation, amenity planting, erosion control, weed and pest control and riparian enhancement, all of which contribute to improving the quality of water that is leaving their farm boundary.

PROPOSED NATIONAL POLICY STATEMENT ON FRESHWATER MANAGEMENT

12. Federated Farmers generally supports the purpose of the proposed NPS, however our members do not necessarily support the process by which National Policy Statements are derived nor their implementation.
13. Our members have expressed concern in relation to a number of issues in the proposed NPS, that are outlined in our submission. I will focus on clarifying and giving context to those key concerns today. In particular, we support the Government's intention to specifically address issues surrounding decision-making on freshwater management under the Resource Management Act 1991 (RMA) at national, regional and district levels.
14. I will now provide further clarification on a number of points as identified in our submissions on the proposed NPS.
15. **Federated Farmers considers that the focus of the proposed NPS should be on addressing the effects of land use activities and not on any specific land use or its development.**
16. The focus of the RMA is on managing the effects of land use activities rather than regulating the activities themselves. Local authorities are required to only intervene where activities have the actual or potential to result in adverse environmental impacts.
17. Federated Farmers considers that references within the proposed NPS to land use *development* rather than *activities* poses the risk of land use being controlled without just cause.

Relief Sought:

18. Federated Farmers recommends that the proposed NPS be amended to focus more on addressing the effects of land use activities rather than limiting land use itself.

Federated Farmers considers that the timeframes set out in the proposed NPS are unrealistic and may undermine its purpose.

19. A large number of local authorities throughout New Zealand simply do not have the staff capability or monetary resources to undertake policy and/or plan changes or variations in order to give effect to the proposed NPS within the specified timeframes. It must also be noted that many local authorities are currently reviewing (or about to embark on the review process) their respective policy statements and plans and that these statutory documents already contain objectives, policies and standards that address freshwater management.

20. Federated Farmers considers that the specified timeframes may also not provide key stakeholders and those with an interest in freshwater management adequate time to consider the implications of any proposed policies and standards. Experience tells us that early engagement can lead to greater levels of stakeholder buy-in as well as more realistic and workable standards and therefore, better environmental outcomes.

Relief Sought:

21. Federated Farmers considers that the specified timeframes which require local authorities to prepare and notify changes and/or variations to policy statements and plans in order to give effect to the proposed NPS be extended.
22. Federated Farmers also recommends that the proposed NPS be amended to exclude policy statements and plans that give effect to the proposed NPS (or RPS) from undertaking the Schedule 1 process.
23. **Policies which require local authorities to identify and protect freshwater resources which are "outstanding" or have "notable values" are problematic.**
24. The definitions of "notable values" and "outstanding freshwater resources" contained within the proposed NPS are problematic. Most freshwater resources have scientific, ecological, biodiversity, cultural and recreational values. Therefore, as the definition stands, the majority of New Zealand's freshwater resources could reasonably fall into the category of either "notable" or "outstanding". Given resource and monetary constraints it is not realistic to expect the quality of all New Zealand's freshwater resources to be improved.
25. Instead, Federated Farmers considers that the focus of the proposed NPS should be on identifying those freshwater resources which have the greatest potential to be enhanced through non-regulatory measures such as community-based catchment management programmes. It is noted that the contribution of non-regulatory methods towards achieving freshwater outcomes is provided by way of Policy 7. However, we consider that this policy could be further expanded to include industry initiatives (i.e. Horticulture New Zealand's environmental programme entitled New Zealand Good Agricultural Practice) and partnerships between the community, landowners and local authorities (i.e. the Primary Sector Water Partnership).
26. Federated Farmers also considers that any process which seeks to identify and classify freshwater resources should be undertaken in consultation with key stakeholders and the local community. Our members have found that in the past, where stakeholder engagement has not occurred unduly onerous and unrealistic controls have been imposed upon them. This has led to years of animosity, distrust and litigation between landowners and local authorities.

Relief Sought:

27. Federated Farmers recommends that key terms used within the proposed NPS should be consistent with those stated in the RMA which are supported by a body of interpretive case law.
28. Federated Farmers recommends that reference to "potential values" in Policy 1 (b) be deleted.
29. **There are a range of values associated with freshwater resources that need to be considered and balanced in decision making processes under the RMA.**
30. Federated Farmers is concerned that the proposed NPS artificially elevates the importance of recreation values above a number of other equally significant values including economic values.
31. It is important that any goals which seek to improve water quality are achievable and cost-effective to implement. In many cases, expectations about what can be done in order to protect a particular value are unrealistic and of high cost to the individual landowner.

Relief Sought:

32. Federated Farmers considers that all values associated with freshwater resources should be considered and balanced against each other in decision-making processes under the RMA.
33. **Proposed water quality standards and environmental flows and levels should be based on robust science.**

34. A science basis in developing water quality standards and environmental flows and levels will help ensure freshwater management goals are realistic, measurable and achievable.
35. New standards developed on a scientific basis will enable councils to focus their efforts on actions that will have the greatest impact on improving the quality and efficient use of the water resource.

Relief Sought:

36. Federated Farmers recommends that the proposed NPS better encourages the development of water quality standards and environmental flows and levels which are based on robust science.

CONCLUSION

37. In conclusion, Federated Farmers recommends that the Board of Inquiry amend the proposed NPS:
 - To focus on the effects of land use activities and not land use development.
 - To extend those timeframes specified in relation to a local authority preparing and notifying a proposed change/variation to a policy statement and/or plan.
 - To exclude policy statements and plans that 'give effect' to the proposed NPS (or RPS) from undertaking the Schedule 1 process.
 - To ensure that key terms are consistent with those used in the RMA.
 - To ensure that all values associated with freshwater resources are considered and balanced against each other in decision-making processes.
 - To ensure that water quality standards and environmental flows and levels are based on robust science.
38. On behalf of Federated Farmers, I thank you for providing this opportunity to present this statement.

Lachlan McKenzie
Federated Farmers of New Zealand (Inc)
Board Spokesperson on Water
7 September 2009