

## Objective 9

Fonterra supports Objective 9.

### **Policies**

#### Policy 1

Fonterra questions the practicality of the timetables for action by regional councils contained within Policy 1.

The need to develop, consult on and notify a regional policy statement (RPS) or variation to a proposed RPS within two years of the commencement of the Proposed NPS will place extreme pressure on both the resources of the regional councils involved and of those groups within the community that wish to enter into dialogue on any draft or notified RPS. For organisations such as Fonterra, whose geographic area of interest spans a number of regional councils, this pressure will be magnified many times.

Fonterra therefore seeks that Policy 1 be amended to direct regional councils to notify a RPS or variation to a proposed RPS in line with the next cycle of RPS development that would normally have occurred.

Fonterra submits that Policy 1(i) should provide appropriate recognition of section 14(3)(b) RMA takes for stock drinking water purposes.

Fonterra generally supports Policy 1(i)(i) on the basis that in developing priorities for water allocation in such objectives, policies and methods, regional councils will undertake that task in accordance with their duties under the RMA, particularly under section 32, and undertake a detailed and balanced analysis of the costs/benefits of all possible options for prioritising allocation between water users.

Fonterra generally supports Policy 1(i)(i) on the basis that the Policy directs the development of objectives, policies and methods, including prioritisation of allocation for water takes – not prioritisation for processing of resource consent applications for competing water users.

Fonterra Notes that Policy 1 (g) Proposes to restrict existing takes to sustain concepts which have not been clearly defined (i.e. “notable values” and “non consumptive tangata whenua values and interests”) and therefore seeks this provision is deleted. Existing water users have a legitimate expectation that provided any effects on values, identified at the time the water take was allocated, are appropriately managed their existing right will not be undermined .

#### Policy 2

Fonterra questions the practicality of the timetables for action by regional councils contained within Policy 2(b) and (c). Fonterra seeks that Policy 2(b) and (c) be amended to direct regional councils to notify a regional plan change or variation or variation in line with the next planning cycle that would normally have occurred.

Fonterra seeks that Policy 2(c)(iii)(A), be amended to “Protection against degradation of the quality of fresh water of Fresh Water Resources below agreed water quality standards.” This will allow for those instances where the community agrees water quality standards which may be lower than current water quality levels.

### Policy 3

Fonterra questions the practicality of the timetables for action by territorial authorities contained within Policy 3(a) for the reasons outlined in its submissions on Policy 1 above. Fonterra seeks that Policy 3(a) be amended to direct territorial authorities to notify a proposed district plan, change or variation in line with the next cycle of district plan review, change or variation that would normally have occurred.

Fonterra seeks that Policy (b)(i), be amended to “Protection against degradation of the quality of fresh water of Fresh Water Resources below agreed water quality standards.” This will allow for those instances where the community agrees water quality standards which may be lower than current water quality levels.

Fonterra seeks that Policy (b) (iii) be amended to reflect the need to manage the effects of land use activities rather than “land use development”.

### Policy 4

Fonterra seeks that Policy 4 be amended to require regional councils to consider the following matters, in addition to those outlined in Policy 4:

- Ongoing social and economic costs (and benefits) rather than just the transitional costs (Policy 4(g)), and
- Appropriate water quality outcomes for those water resources that will be regulated, rather than simply the value of swimmability to the community (Policy 4(h)).

By considering only the transitional costs any long term costs (or benefits) that may accrue from a change to a regional policy statement are discounted and the true costs (and benefits) not properly recognised.

Fonterra’s view on the appropriateness of setting specific water values for specific water resources has been covered within the General Submission section of this document. Fonterra does not support “swimmability” as being an appropriate base line water quality objective for all water resources.

Fonterra seeks that Policy 4(b) be amended to reflect the need to manage the effects of land use activities rather than “land use development”.

### Policy 5

Fonterra seeks that Policies 5 (a) and (b) be amended to reflect the need to manage the effects of land use activities rather than “land use development”.

Fonterra seeks Policy 5(e) be amended to require territorial authorities to also consider ongoing social and economic costs (and benefits), rather than just transitional costs.

By considering only the transitional costs any long term costs (or benefits) that may accrue from a change to a regional policy statement are discounted and the true costs (and benefits) not properly recognised.

Fonterra notes there are a number of varying definitions of “efficiency” with regard to water use, and seeks that this term should be defined in the Proposed NPS.

#### Policy 6

Fonterra seeks that Policy 6(d) be amended to reflect the need to manage the effects of land use activities rather than “land use development”.

#### Policy 7

Fonterra supports Policy 7 in as much as it reconfirms regional councils and territorial authorities’ ability to use non-regulatory methods to give effect to policy. Fonterra is concerned that the focus of this policy seems merely to be to allow regional councils and territorial authorities to access financial contributions from stakeholders through pathways not currently available to them.

Fonterra submits that if stakeholders believe that the benefits of a non-regulatory approach are sufficient to justify the necessary financial contributions they should be given the opportunity to partake in that decision making process and determine if they will contribute. Where they choose not to contribute the consequences may be that a non-regulatory approach may not occur, or occur to the same extent. Reference to financial contributions should be deleted from the policy.

#### Policy 8

Fonterra seeks that Policy 8 be amended to provide for a process (similar to that recorded in Policy 8 for identifying Tangata Whenua Values and Interests in Freshwater Resources, and the regulatory and non-regulatory methods to give the Proposed NPS full effect) to make publicly available a record of the process used to identify all fresh water resources deemed to have Notable Values.

#### Policy 9

Fonterra supports Policy 9.

### **Definitions**

#### **Industry Good Practice**

Policies 2, 3 & 6 refer to “Industry Good Practice” as instruments that may be used in freshwater resource management. There are many views on what this term means. To provide a level of clarity and consistency Fonterra seeks this term be defined. The proposed definition is:

“Industry Good Practices are those practices that produce products or services that are safe and fit for purpose and, in doing so, the practices undertaken:

- Meet agreed environmental objectives;
- Maintain flexible, viable business enterprises that contribute to sustainable livelihoods; and
- Meet cultural and social demands of society.”

### **Land-use Development**

Fonterra seeks that this definition be deleted and reference made instead to “the management of adverse effects of land use activities”.

The RMA is effects-based. Fonterra submits that it is not “Land-use Development” itself that should be controlled or managed, but rather any adverse effects of land use activities that occur. This may include existing activities or those activities that occur as a result of land-use development.

### **Notable Values**

On the basis of the proposed definition of “Notable Values” in the Proposed NPS, any fresh water resource could comfortably fit the definition as all resources will have some level of scientific, ecological or biodiversity value. Fonterra therefore seeks that this definition be reviewed with the aim of providing greater clarity as to the decision criteria and level of significance of these values (e.g. unique, “iconic” etc) that would cause the resource to be determined to be “Notable”.

Failure to do so leaves open the opportunity for all fresh water resources to have this designation, with the consequential, unreasonable and unnecessary requirements this would bring, and the likely fettering of sensible, sustainable resource management as a result.