



NEW ZEALAND WINE
PURE DISCOVERY

The Chairperson
Board of Inquiry - Water
c/- Ministry for the Environment
PO Box 10362
Wellington

30 January 2009

SUBMISSION ON PROPOSED NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT

Thank you for the opportunity to submit on the Proposed National Policy Statement for Freshwater Management (“the proposed NPS”). Our comments are set out below.

New Zealand Winegrowers

New Zealand Winegrowers (NZW) is the organisation that researches, promotes and represents the interests of New Zealand grape growers and wine makers. NZW was established in 2002 as a joint venture between the New Zealand Grape Growers Council Inc. and the Wine Institute of New Zealand Inc. Every grape grower and winemaker in New Zealand is a member of our organisation. We currently have 618 winery members and over 1100 grape grower members.

The wine industry represents the largest single horticultural crop by land area, as well as being a significant agricultural export earner. Our members are committed to environmentally sustainable production. Over 80% of total vineyard area and productive capacity is currently operated under an audited sustainable management programme, and the industry objective is to take that figure to 100% by 2012.

General comments

- a) Gaining a secure supply of water is one of the most critical elements in the development of a vineyard and is necessary both for the irrigation of vines and the processing of grapes. It is therefore essential that New Zealand’s water allocation problem be solved in a way which supports the continued growth of New Zealand’s valuable wine industry.
- b) NZW supports the role of central government guidance and national baselines on water management where the stated policies are able to provide clear, meaningful and

constructive guidance to local authorities. However, it is our view that any national policy guidance on this issue must be sufficiently flexible to recognise and provide for regional variations in the delivery of nationally agreed objectives. On that basis, NZW has significant concerns with the NPS' prescriptive and process-orientated approach to implementation,¹ and recommends that the NPS shifts its focus to articulating national priorities while providing greater flexibility to local authorities to formulate regional solutions. We also request that the NPS be amended to provide greater freedom to Councils to develop non-regulatory approaches to managing freshwater resources if appropriate.

- c) In its present form, implementation of the NPS will impose significant costs on industry, Councils and ratepayers. The Section 32 Analysis does not provide adequate analysis of these costs and should be revised, particularly in reference to the suite of current and proposed National Environmental Standards which are in various stages of development. We are also concerned at the lack of opportunity for industry stakeholders to have input into the development process bearing in mind the major potential impact and cost implications of the proposed NPS on New Zealand's productive sectors.

1. **Preamble**

The acknowledgment contained in the Section 32 Analysis that water is essential to the viability of many sectors in New Zealand's economy should be referenced in the preamble along with a statement along the lines proposed at paragraph 4 of the Horticulture New Zealand (Hort NZ) submission which recognizes the significant role that the primary sector has in the management of freshwater. Given the range of specific activities or uses that will be impacted by the proposed freshwater management regime, it is disappointing that the proposed NPS fails to provide any guidance as to the management of such activities when there is conflict.

2. **Purpose**

The use of the term "matters of national significance" requires clarification in light of the considerable body of case law in relation to the existing RMA concept of "matters of national importance."

¹ For example, Policy 2 requires Councils to impose conditions on water and discharge permits and Policy 3 requires territorial authorities to impose conditions on land use and subdivision consents.

3. Objectives

Objective 1

Objective 1 is supported by NZW.

Objective 2

The scope of Objective 2 is too limited to capture the range of activities and initiatives (past, present and future) which are instrumental to achieving its aim. We recommend that the emphasis is instead placed more widely on freshwater resource development which extends beyond supply, storage and distribution.

Given the definitions for “fresh water”, “water”, “water body”, “river” are already provided in the RMA, we query the need for a new definition under the proposed NPS for “Freshwater Resources” and recommend that it be replaced by one of the existing definitions under the Act.

Objective 3

In its current format, Objective 3 fails to set a measurable benchmark for fresh water quality. Although in agreement with the overall intent of Objective 3, we question the reliance on the “swimmable” standard and the assumptions implicit in it as a priority concept. We also request that provision is made in the NPS for the spectrum of quality classes provided in Schedule 3 to the RMA.

Objective 4 / Objective 5

We support Horticulture New Zealand’s recommendation that Objectives 4 and 5 be combined and amended to allow for water resource development which has the ability to offset or mitigate environmental effects. The following wording is therefore proposed:

“Ensure the net life supporting capacity and ecological values of freshwater resources are recognised. Avoid net degradation of freshwater resources by protecting freshwater resources from inappropriate –

- a) Taking, use, damming or diverting of fresh water; and*
- b) Land-use Development; and*
- c) Discharges of contaminants.”*

Objective 6

As noted earlier, it would be helpful if the NPS made specific reference to the need for sustainable development of freshwater resources to encourage economic productivity. We

therefore recommend that Objective 6 be amended to specifically acknowledge the important role played by the primary sector so that it is not simply subsumed into the broader heading of “economic” demand.

Objective 8

NZW acknowledges that the RMA principles on tangata whenua participation must be addressed. However it appears that very little thought has been given to the practical implementation of this objective. We therefore recommend that appropriate guidance and resources be provided to Councils in order to achieve this objective.

Objective 9

We support Objective 9 subject to further information being provided on the allocation of costs for the requisite monitoring and reporting programmes.

4. Policies

NZW opposes the overall approach of the nine policies contained in the proposed NPS on the following grounds:

- a) There is no logical flow from purpose to objectives to policies and no indicators to measure whether the policies have been successful in achieving the objectives;
- b) The implementation timeframes are unrealistic, inflexible and provide little opportunity for stakeholder involvement;
- c) The total costs involved in implementing the regulatory framework prescribed by the policies have not been adequately quantified in the Section 32 Analysis;
- d) The policies discourage local authorities from devising regional solutions which recognise the regional variation of freshwater management issues;
- e) The singular reliance on measures which impose conditions on future consents is unfair, excessively costly, unworkable in the context of certain land ownership arrangements and unlikely to achieve the stated objectives.

One of the primary tasks of the NPS is for Councils to create or amend regional policy statements to identify and manage “outstanding freshwater resources”. The greatest difficulty will be establishing the criteria used to decide which waterbodies are ‘Outstanding’. The definition of Outstanding Freshwater Resources is confusing and does little to clarify the term. We request further guidance on this term in order to provide nationwide consistency that would be preferable to each regional council providing a different interpretation.

5. **Forward Process**

The proposed NPS was not notified directly to our organization and the wine industry was not part of the initial stakeholder briefing process alluded to in the Section 32 Analysis. Consequently, we have had very limited opportunity to research this proposed NPS and we have not been able to put the proposed NPS before our membership in any meaningful way.

We further note that there appears to be no further opportunity for comment or input into the ongoing development of the NPS. We request that New Zealand Winegrowers be invited to participate in any further consultation or development regarding the proposed NPS.

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If you have any questions regarding our submission, please do not hesitate to contact us.

Yours faithfully,



Dr. John Barker
Manager Policy and Membership
NEW ZEALAND WINEGROWERS