

Submission from: Anne Smith

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I wish to present this submission orally.

Submission on: 'Next steps for fresh water': Consultation document 2016

"No one owns water"

I question the government's position (page 27) that "No one owns water". Where water is an essential part of the economic model it is an input that must be costed for the true price of any item that is produced. The true working of the market economy requires businesses to carry out Life - Cycle Assessments. If not, the downstream effects of poor resource use (over-production, inefficient use of scarce resources, pollution and resource depletion) are passed on to the tax payer and next generations.

Water is now a scarce resource. This position must be recognised. Therefore it must be costed.

This will involve

- Agreements with Iwi about a fundamental position.
- A structure for meaningful decision making, where Iwi have the potential to influence outcomes, not just be consulted.
- A system of charging across all aspects of water extraction needs to be slowly and carefully introduced into the urban, rural and industrial complexes, with returns accruing to Maori and New Zealand citizens who are custodians of the resource.

"Iwi and hapu are able to participate in decision making about fresh water in their rohe"

"Participation in decision making" is an ineffective statement. The statement needs to be strengthened to "allow Iwi and Hapu **the potential to influence outcomes** in their rohe".

Similar amendments need to be made throughout "Next steps to freshwater".

I support the government's attempts to involve iwi in processes, recognising their rights and interests in fresh water. There are many promising statements in the document, but the commitment to implementation, processes, rules and timelines for objectives around iwi issues are missing.

Lack of a national network perspective on river and freshwater planning

Recreationalists have a commitment to a National view on River Planning, and Maori similarly.

There are 6 references to recreational use in "Next Steps for Freshwater", but most refer to past collaboration or vague recognition of the value of water for recreation.

There must be a commitment and a process for ensuring there is meaningful consultation with recreational bodies in an ongoing way at a national level.

This could be done through

- the continuation of the Land and Water Forum
- a new body that provides an overview of the values of Rivers as a recreational and resource that can then be feed into regional and local council decisions
- Recognition of the importance of the role of national organisations in “ Next steps for freshwater” (eg FMC, Forest and Bird, White-water NZ, Fish and Game) and the requirement that Regional Councils consult with these organisations in a timely manner.

Other bodies such as the Tourist Industry, Maori and the Power Industry are likely to see the benefits and need for a national overview to New Zealand’s water.

Implementation of Te Mana o te Wai may require this overview.

Amend statements to include “recreation” p 28,

The concept of the link between “health of people” to “health of water” must be directly linked to recreation. Not just to economic use.

Rivers provide a valuable contribution to our quality of life through health and wellbeing. This is whether it is sitting and contemplating beside a river, swimming or fishing, or walking etc.

There are numerous places where “recreation” should be inserted.

For example:

“When Te Mana o Te Wai is given effect, the water body will sustain the full range of environmental, social, cultural, **recreational**p28

Water Conservation Orders (in response to Question16 p 32)

I note that “Next steps for freshwater” states that “WCOs preserve and protect New Zealand’s most valued and outstanding geothermal or freshwater bodies”.

The proposed amendments to the RMA in Proposal 3.6 on page 30 have the effect of diluting the status of WCO rivers to that of a regional resource. Many New Zealanders are attracted to and enjoy these protected areas which they proudly value.

In order to maintain the Status of the Water Conservation Order as providing protection status (like National Parks) I submit the following:

- Regional Councils that have water bodies and rivers with Water Conservation Orders on them in their region, should be required to recognise the significance of these rivers and water bodies and afford the highest duty of care when managing and protecting them on behalf of the people of New Zealand.
- The current application process and conditions as set out by MFE under the heading “ About Water Conservation Orders” and reviewed on the 11/02/2016 “How to apply, the Application assessment process and Implications of WCO’s for regional councils” should remain unchanged.

Proposal 3.6 - Amendments to the RMA

Bullet point 1

There are two proposals in one sentence. These should be separated.

In the second proposal, it is not clear who is to provide the nomination of an Iwi member....does the applicant nominate or ask the council or iwi to nominate.

Clarity is needed on the nomination issue before proper comment can be made.

Bullet point 2

This is a reasonable amendment to the RMA.

Bullet point 3 and 4

These two proposed amendments while they are an attempt to integrate WCOs into Regional planning, and thus avoid some duplication of effort, are likely to have the effect of reducing the ability of a Water Conservation to be regarded as an important part of a national network of preservation. The amendments could potentially subjugate the wider view of the significance of the water body to a regional, partisan or economic view.

The power and influence given to the words "consider" "delay" and "conflict" are important.

I suggest clarity around these words is essential and they need to be altered. "Conflict" needs to be defined by examples and limits.

It is important that the current situation where a water that may have economic value to a local community can still be preserved in its entirety for the good of New Zealanders and the creatures we share the world with, both present and future.

Bullet point five

This bullet point contains two proposals and is therefore difficult to comment on. These should be separated.

The current situation is that "any Person can apply for a water conservation order"(MFE Guidelines to WCO). Is it proposed to amend this statement to "any person or Council?"

Surely "any person" as stated at present simply includes "any council".

If the application propose is to include specific mention of Councils as applicants then it should also recognise various other National bodies.

I see no need to change the current wording as it seems to me that Councils can at present apply for a WCO regardless of how they identified its values.

-Streamlined process....

I see no need for a council WCO application to be fast tracked more than any other application. This create anomalies and removes the democratic right of people and industry bodies etc to ave their say. There is no good rational for one WCO applicant to be treated differently to another.

Further Points regarding Water Conservation Orders

- Councils are for running regional affairs not national affairs. This attempt to involve them when applying for WCOs will involve the use of rate payer money for the establishment of a resource that is for the benefit of the wider NZ community. This would be avoided by the creation of Regional Water Conservation Order (see below). This would be an important step forward in enabling community involvement in the improvement of their waterways. Creating nationally important rivers is not the task of Regional Councils using rate payer funds.
- A new class of river protection could be created that marks a river as regionally important as distinct from nationally important. For example “Rivers of Regional Importance” or Regional WCOs – rather like regional parks. Examples are the Hutt River and Maitai in Nelson which are important to locals but not nationally important. If such a category is created the status of the nationally important rivers that maintain our heritage (and contribute to attracting overseas persons to our shores), will be preserved.
- As rivers with WCO’s sit within the national domain, regional Councils (or other managing bodies) should be required to consult nationally with all interest groups, (recreational and environmental etc) not just the regional bodies which hosts the river, if any major changes are to be made to the condition of the rivers.
- In the advent of new applications for WCOs all relevant national bodies should be invited in to place submissions within a sensible timeframe. This can only happen if processes are not streamlined and funding is available.
- Applications for WCOs should be supported by government funding streams if the application advances to the Environment Court. This ensures that access to money does not dictate the quality of debate able to be considered by the Environment Court.
- The current application process and conditions as set out by MFE under the heading “About Water Conservation Orders” and reviewed on the 11/02/2016 be upgraded to include the words “national importance” in the statement under the heading “Purpose of water conservation orders”. *ie The purpose of water conservation orders is to provide recognition of the outstanding amenity or intrinsic values of nationally important water bodies.*

Link to Land and a requirement of nitrate management planning - Question 8 (page 28)

While the document recognises the need to remove cattle from waterways the link to the land is not clearly supported in “Next Steps for Freshwater”.

This is surprising as DairyNZ has produced “A farmer’s guide to managing farm dairy effluent. A good practice guide for land application systems” (September 2015 version 2). This clearly shows a farmer how to manage dairy effluent and discharge it in a way that can aid agricultural production but not leach into freshwater systems. (Based around potassium and nitrogen levels).

The One-Plan developed by The Horizons Regional Council has set nitrate rules for farms in an attempt to control the amount of nitrogen leaching into waterways. Radio NZ reported on the 6th October 2015 that there were problems for farmers in obtaining these levels. However the requirement that a nitrate management plan be put in place as a part of the issue of a discretionary consent shows a way forward.

The inability of farmers to meet the nitrate rules is an indication of the inadequacies of the intensive dairying methods and the need for a more sustainable approach.

- Regional Councils should be required to develop nitrate rules for animal farming in their regions.
- Regional Councils should be required to instigate a process of gradual but urgent movement towards nitrate plan implementation on all farms. The issuing of discretionary consents that require movement towards the acceptable levels should happen immediately, not on the expiry of a consent.
- Government bodies should assist farmers in changing land use methods to develop farming practices consistent with Council nitrate rules.

Bibliography

<https://www.beehive.govt.nz/release/government-finalises-first-stage-freshwater-policy>

<http://www.mfe.govt.nz/fresh-water/water-conservation-orders/about-water-conservation-orders>

<http://www.radionz.co.nz/news/regional/286179/council-helps-farmers-dodge-nitrogen-limits>

<http://www.dairynz.co.nz/media/2832537/farmers-guide-to-managing-fde.pdf>