



21 April 2016

Consultation 2016
Ministry for the Environment
PO Box 10362
Wellington 6143

**'Next Steps for fresh water' consultation document
Submission by the Soil & Health Association**

Introduction

The Soil & Health Association of New Zealand Inc. (**Soil & Health**) was incorporated under the Incorporated Societies Act 1908 on 4 December 1942. Soil & Health's objectives broadly include soil health and the promotion of organic gardening and farming. It has approximately 3000 members, chiefly composed of home gardeners and consumers, organic farmers and growers, secondary producers, retailers and restaurateurs. Its age and membership make it the oldest and largest representative organic organisation in New Zealand.

Soil & Health recognises that New Zealand freshwater is in a dire state, with a staggering 62% of monitored waterways being unsafe for swimming. A big factor in this is nitrogen pollution from the increasing intensification of agriculture. Nitrogen pollution is mainly from cow urine diffusing through soils and pasture root zones, so simply planting stream banks and fencing off streams cannot solve this issue. Going organic is part of the solution to fixing polluted fresh waterways in New Zealand. Organic dairy farming involves no soluble nitrogen fertilisers, lower stock numbers, more biodiversity, and grass-fed cows with no GE feed or palm kernel supplements.

This is why we welcome the opportunity to comment on the *Next Steps for Freshwater consultation document* (the document) which contains the Government's proposals to improve freshwater management in New Zealand. This submission mainly focuses on the 'Fresh water and our environment' section of the document, which proposes to amend the National Policy Statement for Freshwater Management (NPS-FM) to improve national direction on several areas. This submission also addresses some other sections in the document.

Soil & Health supports a number of proposals in the document and believe that they have the potential to improve the management of freshwater in New Zealand. These include proposals for measuring water quality by catchment rather than region, and to exclude stock from waterways through regulation. However Soil & Health has concerns with some of the proposed amendments to the NPS-FM.

Detailed submissions

Weak bottom lines

Soil & Health **opposes** the proposed national bottom line for human health contained in the National Objectives Framework (NOF), that water bodies be safe for secondary contact i.e. wading and boating. We believe that the bottom line for human health in fresh water bodies should be that they are safe for primary contact i.e. for swimming. No incentive has been proposed to lift water quality standards beyond ensuring waterways are safe to wade in. We need stronger bottom lines for freshwater to ensure that our waterways are safe for swimming, ecological health, and collecting food.

'Maintain or improve overall' water quality

Proposal 1.1

Soil & Health **supports** the proposal to amend the NPS-FM so that it measures water quality by a freshwater management unit, rather than across a region.

We **propose** however that the word 'overall' from Objective A2 NPSFM be deleted. This in effect would remove the ability to have 'unders' and 'overs'. We instead propose that objectives and limits be set so that water quality is maintained or improved at all points of all freshwater bodies, and nowhere are they set below national bottom lines. The 'unders and overs' approach has been rejected by the

Parliamentary Commissioner for the Environment¹ and the Environment Court.² It is inconsistent with section 6 and section 30 of the RMA. It is unworkable because of the practical difficulties in assessing what beneficial effect would counterbalance an adverse effect. If the ‘unders’ and ‘overs’ provision is retained, Soil & Health proposes that the Government provide guidance on how to maintain overall water quality at the required scale.

We also **propose** that there be a mandatory standard for dissolved inorganic nitrogen and phosphorus within catchments.

Macroinvertebrate Community Index as a measure of water quality

Proposal 1.3

Soil & Health **supports** the use of a 'Macroinvertebrate Community Index' (MCI) in the NOF, as a measure of water quality, and that it be adopted as a mandatory method of monitoring ecosystem health.

Proposal 1.4

We **propose** that use of MCI be included as an attribute in the NOF. Biological and ecological measures are essential attributes for which the MCI provides.

Significant infrastructure and water quality

Proposal 1.5

Soil & Health **opposes** the provisions in the NPS-FM that provide for exceptions to meeting the national bottom lines for significant infrastructure, and believe they should be repealed.

However if the provision allowing exceptions to meeting national bottom lines for significant infrastructure remains in the NPS-FM, we strongly **support** the statement in the Consultation document that ‘Any exceptions would require public consultation.’

¹ Parliamentary Commissioner for the Environment, *Managing water quality: Examining the 2014 National Policy Statement*, June 2015, pages 6-8.

² *Ngati Kahungunu Iwi v Hawkes Bay Regional Council* [2015] NZEnvC 50. The references in paragraph 2.9 come from [62], [63], [104], [105].

Intermittently closing and opening lakes and lagoons (ICOLLs)

Proposal 1.6

Soil & Health **supports** the proposal to amend the NPS-FM so that water quality attributes, including the national bottom lines, apply to ICOLLs.

Stock exclusion from water bodies

Proposal 1.8

Soil & Health **supports** the creation of a national regulation that requires exclusion of stock from water bodies. However stock exclusion needs to happen as soon as possible if it's going to have any real effect on waterways. The current deadlines proposed by the Government do not provide any incentive for change.

We also **propose** that clear guidance around the application of the regulation be required, otherwise implementation, monitoring and enforcement will become problematic. We further **propose** that this regulation override existing provisions in District Plans. Finally we **propose** that riparian buffers be required as part of the national regulation.

Technical efficiency and good management practice standards

Proposal 2.1

Soil & Health **supports** the Government's proposal to develop national technical efficiency standards.

However we **propose** that the technical efficiency standards be introduced to all water catchments, not just in full allocation, or approaching full allocation, catchments. While there may still be some small permitted takes that will be difficult to monitor for efficiency standards, the expectation should still be that all water uses are using water efficiently.

Proposal 2.2

Soil & Health **supports** the Government's proposal to develop national standards for good management practices.

However we **propose** that the good management practices standards be the minimum requirement for all industries in all catchments, not just for discharge allowances that have been allocated, or in catchments that are over-allocated, or approaching over-allocation. Currently the good practice management standards are vague and the document does not set out how these will be established in regulation, nor how they will be modelled or monitored. More work needs to be

done in this area and the Government needs to be leading the implementation of this nationally.

Addressing over-allocation and over-use at least cost

Proposal 2.5

Soil & Health strongly **supports** the proposal to develop guidance on different methods of addressing over-allocation of water quality and/or quantity, if technical efficiency standards and good management practice standards are insufficient. We also **propose** that the development of any guidance material involve the participation of the public and a range of stakeholders, including Regional Councils.

Freshwater decision-making

Proposal 3.6

Soil & Health strongly **opposes** allowing the Minister for the Environment to delay an application for a Water Conservation Order (WCO). WCOs are about protecting outstanding features of water bodies. If those outstanding features exist then they shouldn't be undermined by a planning process, which is required to protect them anyway.

Conclusion

The Soil & Health Association **strongly opposes** the inclusion of the proposed bottom line for human health that water bodies be safe only for secondary contact, into the National Policy for Freshwater Management on the grounds that waterways must be able to support a good standard of ecological health. That standard should also equate to being safe for humans to swim, play, and gather food from fresh waterways.

Yours sincerely

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The Soil & Health Association

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