To Ministry for the Environment

Submission from Selwyn District Council

In the matter of the proposed ‘Action for Healthy Waterways: Discussion Document on national direction for our essential freshwater: Action for Healthy Waterways.’
Introduction

The Selwyn District Council (the Council) is broadly in support of the direction of the ‘Discussion Document on national direction for our essential freshwater: Action for Healthy Waterways’. The Discussion Document includes the proposed National Policy Statement for Fresh Water Management (the NPS), the National Environmental Standard for Freshwater (the NES); and the Stock Exclusion Regulations (the Regulations). The full package of documentation is referred to as the ‘Essential Freshwater package’ for the purposes of this submission.

The Council as territorial authority for a geographically large rural community and economy, and as a water service provider, has concerns with regard to the timing and the overall analysis undertaken to support the draft direction within the Essential Freshwater package. The points below relate to the proposed Essential Freshwater package, including the proposed National Policy Statement and the proposed National Environmental Standards for Freshwater Management (the NPS and NES respectively).

The Selwyn District encompasses 23 townships and a large rural area for which primary production is the major land use. The district is boarded by two significant rivers and has numerous waterways running through its catchments. As such, clean and readily available water for drinking, recreation and business is important to the district, its people and its economy. The rural area in Selwyn, and the activities that occur within it, play a significant role in Selwyn’s economic and social wellbeing. Around 20% of the approximately $400m of the Selwyn Districts local GDP is generated from the primary sector, with a significant amount of this generated from agriculture (including dairy, sheep, beef, and deer farming and cropping). The agricultural sector is a key driver not only for the Selwyn economy but also the Greater Christchurch area and the wider Canterbury region. This sector drives a whole community of people through interactions, groups, jobs, service demand and supply for townships centres. Impacts to this sector has flow on economic impacts but these can also lead to social impacts throughout the community. A key concern of the Council in its submission is the lack of economic and social impacts analysis that the proposed provisions may have on local GDP and communities and the overall future costs at a National level from having to meet this regulation vs the benefits.

Another key Council point described further below is the ‘one size fits all’ approach and the prescriptive nature of parts of the Essential Freshwater package that are best considered and delivered at a local level, ‘neighbour to neighbour’ rather than from Central Wellington. In Canterbury, the Canterbury Water Management Strategy (CWMS) was signed off by the Canterbury Mayoral Forum in 2009. It’s a partnership between Environment Canterbury, Canterbury’s city and district councils, Ngāi Tahu and water stakeholders. The CWMS water management zones throughout Canterbury where established with each having a committee made up of community and rūnanga appointees, as well as regional and local council representatives. Their role includes developing and reviewing Zone Implementation Programmes or ZIPs. The ZIPs provide for local people with a passion and knowledge for their respective areas to guide water management in Canterbury. This allows everyone to be on the same journey together, providing opportunities for issues and solutions to be discussed and understood by the community rather than directed. It is the Council’s opinion that this has led to far more positive and lasting outcomes for freshwater and community relationships than what prescribing standards in legislation could achieve.

The Council’s submission has sought to answer the questions provided as part of the consultation material under the following headings:

• General comments
• Speed up the implementation of freshwater regulations through amendments to the RMA
• Set and clarify policy direction to bring our freshwater to a healthy state
• Raise the bar on freshwater ecosystem health
• Support the delivery of safe drinking water through new Three Waters regulations (drinking water, storm water and wastewater)
• Improve farming practices to stop things getting worse and improve freshwater health

The Council is also in support of the submissions by the Canterbury Mayoral Forum and Environment Canterbury.

General comments

Submission period

The release of the Discussion Document for public consultation and submissions could not have come at a worse time. The document was released on 5th September 2019 with a close of submissions extended to 31 October 2019. This period traverses the local body elections on 12th October. This is an extremely difficult time to canvass elected members views on such an important issue and is fraught with difficulty in terms of placing submissions before Council for endorsement and lodgement with Central Government.

Given the submission period also traverses two trienniums, difficulty arises in that a new Council may not support the views of the previous Council which prepared a submission. The Council’s first meeting of the new triennium is the day before the submissions close. It is disingenuous that Central Government would consult on significant National Direction at such a difficult time for all Regional and Local Authorities.

Relief sought

• Further consultation on the proposed NPS and NES before gazettal; and/or
• Extended consultation period to allow new Councils and elected members to consider the Essential Freshwater package

Economic and social impacts

The Council is generally in support of the proposed Essential Freshwater package including the overall vision of Te Mana o te Wai and incorporating Māori values. However it considers that there has been a distinct lack of economic and social impact analysis in the proposals. There is some analysis on the regulatory costs that individual farmers may face in having to go through processes (e.g. consents and FMP’s) to meet the new regulations, and some social consideration around the health and recreation benefits to the wider community. However, for one, this does not seem to consider the cumulative effect through a region or even nationally of the costs of having to meet this regulation vs the benefits. Secondly, there is nothing on the overall costs of implementing the changes and impacts on the farming practices. The cost of key aspects such as having more stringent bottom lines, the loss of productive land from stock fencing of streams, and updating or creating new FMP’s does not appear to be factored in. These costs have flow on effects to local communities (e.g. jobs, service centre viability) and local GDPs. Such analysis is crucial to understand the true impacts of the proposal on local economies and communities.
Social considerations should also consider the mental wellbeing of many in the rural community facing significant change and regulation. The change may be justified and even agreeable, however the swift implementation of this and other regulations pile pressure on those in the rural community. Any social impact analysis of the Essential Wellbeing package, and its implementation, should factor in mental wellbeing of those in the rural community. For example increased debt associated with increased regulation costs adds increased stress and pressure to already struggling farmers which can lead to mental health and wellbeing issues. Suicide rates amongst young farmers, particularly males, is on the increase.

With the recent changes to the Local Government Act to reintroduce the four wellbeing’s – social, cultural, environmental and economic – these must work together, not against each other. The proposed changes to freshwater management have taken what appears to be a very environmental and cultural focus with little balancing of the economic and social impacts of such changes. Some of the proposed limits and environmental bottom lines (e.g. new DIN attribute (1 mg N per litre) may be very difficult to achieve for large portions of the agricultural sector) and will have significant impacts on the rural sector through increased regulation and associated costs which affects the economic viability of many rural sectors. Some of these changes in regulations are simply unachievable and may have perverse outcomes and unintended consequences through change in land use. This has flow on effects to the social and economic viability of many rural towns and centres around the districts.

While the Council supports a more holistic view of freshwater ecosystem health, and the requirements for better monitoring and reporting, this must be on balance. The Council submits that further independent assessment and analysis of the economic and social impacts of the proposed changes must be undertaken before any further progress can be made.

The Council is currently underway with a full District Plan Review and through that process will be looking to include objectives, policies, and methods to deal with the cumulative adverse effects of land use resulting from urban development on waterbodies and sensitive receiving environments.

**Relief sought**
- Economic analysis that considers impacts on the proposal on local GDPs. Focus could be on areas impacted the greatest from the proposals and where primary production contributes significantly to local GDP (e.g. Canterbury, Selwyn).
- Provide consideration and analysis on all 4 wellbeing’s and community impact beyond just recreational and cultural impacts, including a social impact analysis that considers impacts to the wider community and mental health and wellbeing.

**One size fits all approach**

As with much of the National Direction coming from Central Government at the present time, there appears to be a distinct ‘one size fits all approach’ to national direction. The Council does not consider this approach is necessarily appropriate. What may be suitable for one part of the country may not necessarily be suitable for others.

In Canterbury there has been a significant shift in environmental policy and regulation over the past decade. The Canterbury Land and Water Regional Plan (CLWRP) and the CWMS have shifted the focus of environmental protection in a positive way. As discussed in the introduction the CWMS has given the lead to locals to set direction at a community level,
which has led to positives outcomes for freshwater and the community. While it is recognised
that there is still a way to go, Canterbury is leading the way in environmental protection and
freshwater management. It must be recognised through this Essential Freshwater package
that many local and regional authorities, particularly in Canterbury, are already well underway
with positive change and the one size fits all approach to regulation is not necessarily
appropriate, exemptions for the positive work undertaken to date must apply. Government
direction should be for more descriptive, rather than prescriptive in detail, requiring the work
to be undertaken but letting, and supporting, local authorities and communities to deliver.
This is particularly the case where for many regions the state of freshwater is a legacy issue
and a direct outcome of years of government direction and support for land intensification.
The impacts of this intensification are and will impact freshwater for decades to come even
with significant de-intensification of land use.

Relief sought
- Greater recognition of the work done in Canterbury through the CLWRP and CWMS, and
  the work that continues, through clear exemptions for Canterbury in the Essential
  Freshwater package.

Speed up the implementation of freshwater regulations through amendments
to the RMA

The timeframe for delivering some of the key aspects in the Essential Freshwater package are
too short. There is a significant amount of collaboration and engagement with communities
required which from experience will take quite some time to move through. This is not just an
issue for the community but also Council resources at a time of heavy and continuous
implementation of government direction. Councils will be working on their own extensive
work programmes. For example the Selwyn District Council is in the middle of another
legislative requirement to deliver a full District Plan Review, which is extremely resource
hungry from both a time, staff and budget perspective.

Relating to the economic and social impacts discussed further above the impact on
landowners/operators to comply in this timeframe will create pressure both economically
and financially, and may impact commercial viability of some businesses. Further to this point,
there are limited resources available for developing FMP’s, particularly given the specialised
nature of who can prepare and deliver them. This resource issue in itself will pose an issue for
landowners and business to comply with the timeframes etc.

The potential inability to comply, which may not be any fault of a landowner but rather a lack
of wider resources, is not just a failure to meet regulation but creates tension and pressure on
landowners and impacts mental health and wellbeing. The direction to improve freshwater
will be supported widely but given the legacy issues of previously supported intensification,
the improvements are not likely to be seen for decades. So although change must start to
occur, the 3-5 year turn around for compliance, which may not be able to be delivered, will
likely just create stress and health issues in response to compliance requirements and
enforcement action.
Relief sought

- Extend timeframe compliance to 2030 to align with the Canterbury Regional Councils timing to have a Freshwater Plan in place.

Set and clarify policy direction to bring our freshwater to a healthy state

The Council supports the need to lift freshwater management and the Canterbury Water Management Strategy (CWMS) has been leading Canterbury towards this for a number of years.

The Council supports the elevation of Te Mana o te Wai and Māori values, however consideration and clarity should be given to how this will be balanced against essential human health needs (e.g. drinking water) and urban development (e.g. housing and business).

Regional Policy Statements must include long term vision to give effect to Te Mana o te Wai. The hierarchy in Te Mana o te Wai could have implications for drinking water allocation. If healthy ecosystems is the first priority and clean drinking water the second priority, then there could be contention with waterways that need high flows to manage ecosystem health at the expense of water availability (possibly for drinking water).

As it stands the NPS sets out a hierarchy of objectives that prioritises the health and wellbeing of waterbodies and ecosystems over human health, and over the social, economic and cultural wellbeing of communities. This is inconsistent with the purpose of local government as set out in Section 10 of the Local Government Act 2002 and again strikes against the balancing of the four well beings.

Again, the Council support the elevation of Te Mana o te Wai and Māori values but there needs to be consideration and clarity on how this is delivered in practice against other legislative requirements.

Relief sought

- Clarity on the hierarchy between Te Mana o te Wai and human health. Perhaps they are given equal footing through relevant legislation.

Raise the bar on freshwater ecosystem health

The Council supports in principal the setting of bottom lines provided they are achievable, are the best and/or most appropriate way for measuring ecosystem health, and are balanced across the four well beings i.e. environment/economic/social/cultural in order to achieve better outcomes without adversely impacting the production sectors. Further cost-benefit analysis is needed to ascertain the appropriate level that bottom lines should be set at.

The Council also supports the goal of swimmable rivers through higher environmental standards. There is a need to maintain and improve water quality and ecosystem health however this will take some time to achieve.
Support the delivery of safe drinking water through new Three Waters regulations (drinking water, storm water and wastewater)

The Council is generally supportive of direction on requirements to manage Three Waters particularly the consist approach sought across New Zealand. However the devil is in the detail and the Council welcomes on-going engagement in this space ahead of the next round of consultation on these matters.

Through the Mayoral forum, the below focus groups will be able to provide input into the developing plan as follows:

- Canterbury Drinking Water Reference Group (CDWRG) will be able to provide valuable input into the Drinking Water provisions in the plan.
- Canterbury Regional Stormwater Forum (SRSF) will be able to provide valuable input into the Stormwater provisions in the plan.
- Canterbury Engineering Managers Forum (CWMF) will be able to provide valuable input into the Wastewater provisions in the plan.

Improve farming practices to stop things getting worse and improve freshwater health

Farm Management Plans
The Council support the wider use of Farm Management Plans, however as discussed further above there are resource and timeframe issues for delivering these. Significant resourcing will be required for both regional councils (to process and audit) and for the provision of expertise to landowners, where there may a shortage of such expertise in the industry.

Relief sought
- That Regional Councils and MfE are funded to provide advisory teams in each region to support land operators to create FMPs

Fencing of wetlands and waterways
As discussed above, further economic analysis of the costs of fencing and potential loss in productive land (among other aspects) is required to support the Essential Freshwater package. However, the Council believes further consideration of a 5m setback is needed (even if it is averaged) as this may be too wide for some landforms. Also, the wider the setback and fenced area the more likely, or more easily, invasive weed species may establish without any stock control. This could have the unintended consequence in creating avenues for spread of such species, further compliance and cost issues for land owners.

Relief sought
- Leave to regional authorities to determine what rivers are subject to fencing requirements and what, if any, stock exclusion fencing setbacks should be.