Te Taiao Hawke’s Bay Environment Forum (Te Taiao), formed in 2011, is an umbrella group for a number of conservation/environmental groups in Hawke’s Bay active in protecting the region’s natural assets. The members seek to achieve better environmental outcomes by improved coordination and sharing of information. The principles that guide the group include:

- Strong sustainability (recognising that our society and economy depend on a healthy environment)
- Interconnectedness of our key environmental issues
- Dependence of social, cultural and economic well-being on environmental well-being

Te Taiao has identified the following keystone environmental issues for Hawkes Bay:

- Decline in quality of freshwater in our rivers and streams
- Increasing demand for freshwater resulting in low summer flows
- Unsustainable land use
- Declining Biodiversity
- Insufficient recognition of cultural values
- Threats to groundwater
- Inappropriate development of large-scale water storage infrastructure that is detrimental to ecosystem health and encourages unsustainable land use.

Te Taiao members have been part of the TANK (Tutaekuri, Ahuriri, Ngaruroro, Karamu) catchments 5 year stakeholder collaborative process and the Napier Stormwater Stakeholders Group, engaged in Tukituki Plan Change, submitted on Council Annual Plans, the Regional Policy Statement (Plan Change 5) assisted with the development of a regional biodiversity strategy and provided coordinated opposition to the Ruataniwha Water Storage Scheme and proposed dam.

Te Taiao has also submitted on the previous Freshwater NPS, NES proposals over the last decade and in contrast to the lack of progress to date applauds the Ministry for the bold, action oriented and urgent plan outlined in this current discussion document Action for Healthy Waterways.

The document recognises clearly the considerable contribution of the four advisory groups; The Freshwater Leaders Group, Te Kahui Wai Maori, The Scientific and Technical
Advisory Group and the Regional Sector Water Subgroup. The inclusion of comments and recommendations of these groups throughout the document is particularly helpful and reflects the inclusive and collaborative approach of this government.

We are particularly heartened by the emphasis on a more holistic and integrated approach to ecosystem health and the strengthening of Maori values through Te Mana o te Wai and its hierarchy of obligations. The Scientific and Technical Advisory Group has provided sound ecosystem health measures and thresholds which need to be upheld.

We commend that this process runs parallel to the Three Waters Review and the needed improvement in urban water quality.

We hope the implementation of the proposals outlined in the document will finally begin to turn around NZ’s freshwater crisis. We would like to emphasise that proactive reduction of inputs and intensification should come before expensive mitigation although both will now be required extensively to urgently prevent further tipping points and the future of our country’s reputation as a “Clean Green” food producer.

The underlying principle that must guide this document is that of Herman Daly’s well known principles of strong sustainability: “Any contamination from human activity cannot be greater than what can be assimilated by the receiving environment.”


QUESTION 1. Further degradation will only be stopped with regulation, compliance and the halting of intensification, reducing stocking rates, particularly dairy. Stopping further degradation within 5 years is a great goal but because of legacy issues and especially lag time in ground water contamination in some areas may not be achievable throughout NZ and for these areas more like 10 years.

QUESTION 2. We would hope a healthy state would be achievable in a generation but as above impacts are severe in some areas (e.g. Canterbury) and ecological processes are slow. Nitrates will continue to leach for decades into rivers and groundwater, including aquifers.

QUESTION 3. We would expect significant improvement in ecological health, swimmable rivers, reduced over-allocation, pure drinking water. In Hawke’s Bay there has been some attempt to achieve these goals through the TANK (Tutaekuri, Ahuriri, Ngaruroro, Karamu) Catchments 5-year Stakeholder process with many Farm Environment Management Plans in place.

QUESTION 4 and 5. Not really applicable. We are a community environmental advocacy group and would strongly support improved environmental outcomes through lobbying and influencing council policy and decisions as in the Ruataniwha Dam opposition we provided.

QUESTION 6. Perceived unaffordability across different sectors.

QUESTION 7. It is essential we have an independent national body e.g. Te Mana o te Wai Commission. Such a dedicated Water Commission is critical to the success of these reforms and would provide implementation oversight with targets and have wide ranging power to ensure
regional councils perform and give consistency to policy content and planning while recognising regional differences. A national body will also drastically reduce local “politics”.

QUESTION 8. Other Comments: We cannot continue “business as usual”. No matter how much mitigation is attempted through riparian planting, improvements will not be achieved unless inputs are reduced and farming (both agriculture and horticulture) is carried out within environmental limits and the carrying capacity of the land. Self-regulation has often not worked and reducing inputs in the first instance is preferable to costly mitigation.

We congratulate you on this excellent document and bold, action focussed approach.

It is most helpful to have the input from the network of advisory groups and throughout the document. This is both inclusive and reflects the huge legacy issues we have been grappling with for the last few decades.


QUESTION 9. Yes, we strongly support Te Mana o Te Wai hierarchy of obligations as it gives clear priority to ecological health and avoids offsetting against other values. In the past what have often been listed as “values” in Council planning documents have really been human uses. It is important that the water, its health and its mauri are paramount.

QUESTION 10. The proposals give a strong basis for emphasising ecological health and monitoring practices that measure the correct indicators e.g. Macroinvertebrate Community Index (MCI).

QUESTION 11. Needs more work and strengthening to enable Councils (and the community) to use a Te Ao Maori lens. Te Mana o Te Wai principles and obligations will guide the development of Matauranga Maori based indicators and monitoring, for example cultural health indices. There is a need for better engagement between scientists and kaitiaki in freshwater monitoring and management.

QUESTION 12. Creating a long-term vision is necessary to give effect to the first obligation to the water, itself. If this first principle is followed and paramount, and if trade-offs don’t interfere, tangata whenua values will become clearer to the whole community and their long term wishes for the waterbodies in the region better understood and implemented.

QUESTION 13. Both these proposals are important. Mahinga kai being elevated to a compulsory value is central to maintenance of tikanga. The determination of freshwater values by local Iwi and Hapu locally is essential.

QUESTION 14. Adequate resourcing and support.

QUESTION 15 Implementation of Te Tiriti principles and a more holistic, ecosystems health approach to freshwater.

QUESTION 16. Will require general education and promotion of Maori values by the regional councils and recognition of differences amongst different rohe and hapu and how they are meaningfully incorporated into planning documents.

QUESTION 17. Yes, could be a faster process if using specialist freshwater commissioners but only if NES are prepared and well defined.
QUESTION 18. It should help clarify the roles between the regional councils and TLAs with the engagement of independent water commissioners and prevent confusion and conflicts over the regulator being also the developer of water projects. Important that delineations are made and maintained and clear accountability so implementation doesn’t “fall through the gaps”. The District Plan requirements in 3.4 (5 and 6) are clear and need to be monitored.

QUESTION 19. Possibly. Should only allow exceptions for existing schemes and no new ones or large dams given that more recent environmental opinions are questioning whether Hydro is a truly renewable energy source. Not sure how these fit with Te Mana o Te Wai and with the first obligation being to the water. Also, not sure whether the implementation of fish passage should apply to all existing structures including dams. Until per capita energy use begins to decline, we need to be careful in exempting/subsidising energy production.

5. Raising the Bar on Ecosystem Health Questions page 52, 5.13 Questions 20-42.

QUESTION 20. The proposed attributes and management approach will contribute to improving ecosystem health because the standards are higher and have bottom lines and the components/attributes are broader and interactive e.g. ecological processes. This is a significant improvement which we strongly support. We strongly support STAG recommendation 1 that recognises the five biophysical components that contribute to freshwater ecosystem health and their interaction and this helps to clarify the compulsory national value.

The ecological health of groundwater also needs to be included and the emerging science of groundwater biodiversity: microbes and stygofauna providing ecosystem services. See Dr Graham Fenwick, NIWA.

QUESTION 21. This requires expertise beyond us.

QUESTION 22. We strongly support the new national value for threatened indigenous species. This is long overdue and requires active management. As well trout and salmon are particularly sensitive to oxygen levels and can be helpful as “canaries in a coal mine”.

QUESTION 23. Yes, such a measure is particularly important for several indigenous species who require access to the sea and between fresh water habitats.

QUESTION 24. Yes, the fish passage requirements should apply to existing structures as solutions are often quite simple and affordable. e.g. perched culverts. These are often the “low hanging fruit” in terms of making improvements and could be achieved in 5 years.

QUESTION 25. Yes, we strongly support the protection of all wetlands and of all sizes. Small wetlands often contain very significant or threatened species. Often wetlands need active management to maintain the ecological services they provide. Sometimes this could be perceived as initially destructive e.g. raupo blockages, removal of willows etc. Ephemeral wetlands should be recognised as important contributors to local ecosystems.

QUESTION 26. For the proposal to be implemented clearer prescriptive NES would need to be provided for Regional councils. Would require new expertise for many councils and public awareness and promotion of the status of wetlands through education of their value for ecosystem services.

QUESTION 27. Yes, we strongly support the proposal to limit stream loss and the mitigation hierarchy. Much damage occurs to streams and ephemeral streams during plantation forestry harvesting and this must not “fall between the cracks” of NPS-FM and NPS-PF.
QUESTION 28 N/A.

QUESTION 29 Offsetting components do not make up for habitat loss and should only be used as a last resort when all practical means to avoid remedy or mitigate have been exhausted.

QUESTION 30 We very strongly support the new bottom lines for nitrogen and phosphorous as there are many places in NZ which are well above these limits. The impacts are very damaging and long term.

The proposed DIN bottom-line of 1.0mg/L is not a target; it is a bottom line. Some Regional councils may set more stringent standards such as the Horizons Regional Council One plan of 0.44mg/L. See the very helpful background article of Dr Adam Canning of the Environmental Protection Trust and a member of the STAG.

The legacy of 627% increase in Nitrogen from fertiliser between 1990 and 2015 (Statistics NZ) makes it essential that the application of such inputs should be prevented at source in the first instance.

QUESTION 31 N/A

QUESTION 32 Yes, we agree with the STAG’s recommendation to remove the “productive class” definition for the periphyton attribute.

QUESTION 33 Agree that if sediment is not significantly reducing then the regional council must implement further measures. This would involve utilising existing scientific knowledge and identifying local causes and event-based sediment loading and tracking of sediment source in order to put action plans and adaptive management in place. We do not have sufficient knowledge to suggest a rule.

Question 34 Councils cannot rely on NES Plantation Forestry requirements solely for sedimentation limits and monitoring to ensure compliance will be necessary.

Question 35 N/A

Question 36 Action plans for primary contact sites will help identify sources of faecal contamination and E. coli. However, there is some urgency and priority needed for the more extensive proposed Quantitative Microbial Risk Assessment to be implemented.

Question 37 Needs national guidance in the setting of flows. This was a big issue with the Hawke’s Bay TANK stakeholder process. Water loss to aquifers and recharge is a complex science and the precautionary principle should apply where there is uncertainty. Resource consents need reviewing in terms of allocation and cannot wait till consents expire. Grandparenting provisions should be excluded. Councils need to publicly acknowledge over allocation. This cannot be deferred and Te Mana o te Wai is paramount.

Question 38 Agree with the updated regulations and to mandate telemetry overtime, where it can be enabled, starting with larger consents with devices verified for accuracy.

Question 39 Commend the focus on holistic ecosystem health and clear identification of the 5 components (p.38)

Questions 40-42 in addition to our comments above the purpose and requirements of the NOF are much clearer. We would defer to the STAG and advisory groups recommendations on the details of process, technical definitions and time frames of proposed regulation.
6. Supporting the delivery of safe drinking water 6.3 questions 43-45 p.56

We have not studied the Drinking Water NES sufficiently but would strongly support the establishment of Water Source Protection Zones as an essential first step for improving the safety of drinking water particularly in view of Havelock North crisis and the nitrate levels in Canterbury groundwater. We strongly commend the urgent Three Waters Review and its revision alongside the Freshwater NPS proposals so that they are integrated.

7. Better Managing Stormwater and Wastewater 7.3 questions 46-50 p.62

Questions 46-50 we strongly support this review of stormwater and wastewater and equivalent consideration being given to urban water quality in The Three Waters Review. As details of the proposals have not yet been made public, we have focussed on other Freshwater considerations in the discussion document. However, considering our experience with our local Napier Stormwater Stakeholders Group we would strongly support nationally consistent measures for stormwater and national level guidance for supporting best practice in policy, planning and use of green infrastructure and water sensitive design.

Environmental management plans should be consistently required through territorial authority by-laws to target discharges to urban stormwater

High levels of guidance are needed in new technologies e.g. treatment wetlands

Of course, there will be regional differences but a lot of resource and “reinventing the wheel” could be saved and best practices shared. Small Territorial authorities would be particularly supported. These practices also need to be embedded in local building codes.

In terms of wastewater there are still territorial authorities discharging varying levels of treated wastewater to the marine environment via outfalls which need urgent review.

8. Improving Farm Practices 8.9 questions 51-78. p.80-81.

Question 51 We strongly support interim controls on intensification until councils have implemented the NPS-FM as it is the most effective, and probably the only way, of stopping things getting worse. The action needed is very urgent. Going further, in areas where intensive systems are causing significant damage to freshwater, we must be able to ‘de-intensify’ land use and reverse unsustainable intensification from the past. Reducing inputs (fertiliser, irrigation, stock numbers, PKE) is more effective than expensive mitigation of harmful effects and the expense of indirect subsidising of unsustainable farming practices. This also aligns with climate obligations.

Question 52-53. We do not have sufficient expertise around commercial vegetable growing to comment on resource consent requirements, other than to support the requirement for resource consents for increased intensification and the need to reduce contaminants from intensive vegetable production.

Question 54 We strongly support mandatory farm plans. Self- regulation or self -improvement is not working well enough; if it did, we wouldn’t be doing “Actions for Healthy Waterways”. Environmental management plans are required for other activities and industries in both urban and rural locations. Some Councils have already established Industrial and Farm Environmental Management Plans.
Question 55. The proposed minimum content of requirements of the freshwater module of farm plans appears to be comprehensive, well defined, and easy to follow. Of course, farm plans must include full soil information across the farm.

Question 56. The roll out of 2 years for farms identified a, b, and c (p.19 NES FW) and 2025 for remaining farms to which the standard applies seems actionable and reasonable.

Question 57. The two requirements are education/information support and finance. Training of farm planners and advisers will need urgent support. The government is committed to invest in support for change through the Sustainable Land Use package of $229m in 2019 budget. Field days and extension courses utilising proven models of sustainable farming e.g. Regenerative Farming, Biological Farming etc. can be helpful in stimulating change and alternative methods. Education must begin in our universities particularly Lincoln and Massey. Incentives through subsidies and tax breaks will probably be required. There are plenty of good farming examples (and Country Calendar remains a show case) that can be emulated and provide support for change.

Questions 58-64. Immediate action to reduce nitrogen loss.

Targeting catchments with high nitrate-nitrogen levels (option 1) along with (Option 3) through farm plans would seem to be a better bottom up approach and may have better long-term success but would need considerable monitoring. Not completely sure on this. We are not sure if the catchments named in Schedule 1 of the proposed NES are complete and others could possibly be identified by regional council data.

Reduced stocking and some land use changes will be necessary. There are good examples through Massey University research, Lincoln University and PAMU that illustrate clearly that stock reduction does not necessarily result in lower production and profit.

The use of Overseer is a valuable tool but as stated by the PCE “Using the tool privately and using it to estimate limits and enforce compliance are two different things” (Overseer and Regulatory Oversight. PCE October 2018)

Questions 65-68. Excluding stock from waterways. Exclusion of stock from waterways is an essential part of reducing pollution including nitrogen levels and sediment as well as preventing the damage of stream habitat and structure. We agree with differing set back requirements dependent on slope and have concerns for how the smaller streams can be managed fairly.

Re Question 66, Drains should be included with the larger water bodies, particularly since they usually drain into the larger water body.

We think the setback should be measured from the top of the bank and 5 metres be an absolute minimum. However, for those farms already fenced that do not meet the minimum requirement this poses a problem and perhaps further appropriate planting on the perimeter could provide a solution to the dilemma.

Vegetation type in riparian planting is very important to ensure adequate filtering and advice on “right plant, right place” should be readily available. Chicory is one such vegetation for which new varieties have been found to significantly reduce nitrogen leaching.

Questions 69-75. Controlling winter grazing, restricting feed lots and reducing pollution from stock holding areas.
It is hoped that these practices will become obsolete as less intensive farming becomes established and inputs are reduced. We are very concerned for the animal welfare impacts of these practices. In the meantime, intense winter grazing, stock holding, and the use of all feedlots should require resource consent, but the bottom line should be NO contaminants released from areas of intensive stock holding. Monitoring will be resource intense and difficult to measure e.g. pugging depths.

We would like to see a moratorium on the use of Palm Kernel Expellant (PKE) as it accelerates intensification, has a high carbon footprint, is a biosecurity risk and makes our country complicit in the destruction of tropical rain forests.

Questions 76-78. Proposed NES freshwater. We find the definitions clear and the document very readable but cannot comment on all the technical parameters. The time frames are generally realistic.

Questions 79 -80. It is commendable that the document has highlighted related policy statements and identifying tensions can be helpful. The main tensions we would anticipate would be between NES and NPS-PF and FW particularly in relation to stream and wetland disturbance and sedimentation. In addition, plantation forestry sites are very difficult to access fully and therefore monitor for compliance.

We acknowledge that there are significant costs associated with these proposals, and that these are not borne evenly across our society. But it is time that we stop asking our natural environment to bear these costs and find other ways to assist those most immediately affected. It is also time that we stop allowing costs to the environment to be externalised. This only delays the changes that are required.