Submission from Waitomo District Council - Freshwater

Thank you for the opportunity to make a submission on the draft National Policy Statement for Freshwater Management, Proposed National Environmental Standards for Freshwater and Draft Stock Exclusion Section 360 Regulations.

Our submission is as follows:

1. Waitomo District Council (WDC) submits that the provisions proposed and the definitions used in the Draft National Policy Statement for Freshwater, the Proposed National Environmental Standards for Freshwater and the Draft Stock Exclusion Section 360 Regulations are checked to ensure that they appropriately correspond with the definitions and provisions employed in the Operative and Proposed National Standards and National Environmental Standards, including the National Planning Standards. For example, WDC notes that “water body” is two words in the Resource Management Act 1991.

2. WDC also submits its concern about alignment with Waikato Regional Council’s Plan Change One, the potentially unrealistic timeframes that have been suggested to implement these provisions, and the broad-brush approach which does not reflect the significant differences between both individual catchments and regions as a whole.

3. WDC notes that the economic analysis of the effect of implementing this suite of national direction is insufficient across the range of policy scenarios, catchments and farming types. WDC submits that the economic impact of the policies, standards and regulations and how these may affect rural communities, should have been considered in detail before the final provisions were released for consultation, so that all parties understand the consequences and can accordingly frame their submissions.
Draft National Policy Statement for Freshwater Management

4. WDC notes that in section 1.7 (2) b) the statement "a requirement to maintain the thing as it was at that date" is quite confusing.

5. WDC submits that it may be prudent to consider including more objectives rather than relying on a single objective in order to clarify the aims of the National Policy Statement. At present it is hard to decipher what actions should be undertaken in order to achieve the some of the policies, which are very high level. It is also difficult to interpret the objective without specific policy guidance. For example, none of the current policies provide clear guidance on how the objective's hierarchy should be applied in the situation where priority a) cannot be achieved. Would this mean that priority b) and c) should be suspended in the pursuit of priority a)? WDC questions this because if the hierarchy is applied in its strictest sense, should one of the rivers we take public water supply from fall below the minimum flow necessary for its health and wellbeing, then the river’s health and wellbeing overrides the essential health needs of people.

6. WDC notes that in respect of section 7(h) of the Resource Management Act 1991, the National Policy Statement should also consider the protection of the habitat of trout and salmon. Only indigenous species are addressed by Policy 11.

7. WDC notes that 3.4(6) requires territorial authorities to avoid, remedy or mitigate the cumulative adverse effects on water bodies resulting from urban development. The examples of the kinds of methods district councils could employ includes the regulation of impervious surface cover and requiring on-site infiltration and the use of low impact design techniques. WDC is supportive of this provision but notes the high costs associated with the provision of some green infrastructure. WDC also notes that one of the most effective ways to manage on-site infiltration is the use of minimum standards for impervious surfaces. Often site coverage is used as a mechanism in district plans to manage this. However, the Proposed National Policy Statement on Urban Development intends to remove council’s ability to use site coverage (and other bulk and location controls) as part of “more directive intervention to enable quality urban development”. This may have the unintended consequence of adversely impacting council’s ability to manage the on-site treatment of urban stormwater.
8. In respect of Subpart 3, 3.15(5)(a), WDC submits that the Draft National Policy Statement for Indigenous Biodiversity currently requires District Councils to map significant natural areas (SNAs). The Waikato Regional Policy Statement also requires its district councils to map SNAs which includes wetlands. The significance of each wetland is assessed on the basis of the criteria in the Waikato Regional Policy Statement. Is this provision a signal that wetlands will/should be treated differently to SNAs? Most wetland areas would meet the criteria of significance as an SNA, however placing size limits on wetlands does confuse the issue slightly as to whether some are treated as SNA’s (with different plan provisions) and some are treated solely as wetlands under the provisions of this National Policy Statement. The same issue arises in the Proposed National Environmental Standards for Freshwater, with the proposed provisions assuming that all wetlands are of the same importance. SNAs employ a sliding scale of significance (locally, regionally, nationally, internationally significant) which should be applied to wetlands, and consequently determine the extent and degree of works that is permissible. In any event the provisions between the two National Policy Statements and the Proposed National Environmental Standards for Freshwater need to be aligned and carefully considered.

**Proposed National Environmental Standards for Freshwater**

9. WDC submits that reconsideration of the provisions contained in the National Environmental Standards for Plantation Forestry is imperative unless it is made clear that the Proposed National Environmental Standards for Freshwater prevails over the National Environmental Standards for Plantation Forestry. There are a number of provisions in the National Environmental Standards for Plantation Forestry that directly contravene the intent of the Proposed National Environmental Standards for Freshwater. We note that particular focus might be accorded the earthwork provisions and section 68 of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

10. Subpart 1 (4) vegetation destruction means destroying any significant indigenous vegetation. WDC requests clarification as to whether “significant indigenous vegetation” means vegetation identified as an SNA? Should this definition exempt trimming, thinning and pruning vegetation?
11. WDC observes that there is not a lot of emphasis on restoration, enhancement and rehabilitation of wetland areas. We consider this should be a priority. This approach is being considered as part of the provisions for the Draft National Policy Statement for Indigenous Biodiversity.

12. WDC submits that the effects of a feedlot as controlled in section 27 are exactly the same whether they are located on a pastoral farm of less than 20 ha or otherwise, because there is no control on the number of stock that can be confined to the feedlot, thereby negating any environmental gains made by this provision.

13. WDC submits that enforcing the provisions of section 27 and 29 in respect of the stockholding time periods, would be unfeasible.

14. WDC observes that the effect of harvesting plantation forestry causes exactly the same or potentially worse effects over a longer period, than the use of sacrifice paddocks provided for in section 28. It is our contention that environmental damage is being inflicted on both surface (and in our case, nationally significant subterranean karst hydrological systems) by plantation forestry harvesting with land sitting bare for periods of 18 months to 3 years. In addition, extensive aerial spraying is undertaken for weeds prior to afforestation. We would argue that no farmer in our district would leave their soil resource in the state that some large scale plantation forestry harvesting leaves hillsides, valleys and riparian margins. It is an absolute nonsense to regulate sacrifice paddocks and ignore thousands of hectares of bare land harvested for plantation forestry adjacent to water bodies, water abstraction bores, drainage ditches and the coastal marine area. These areas are completely unregulated. The same applies to section 29 and section 30. Plantation forestry is not required to maintain the same extent of vegetated riparian strips, to avoid slopes greater than 15°, or restrict its harvesting to less than 30 ha in a contiguous area. Nor are there restrictions on plantation forestry in critical source areas or any requirements to replant within specific timeframes. WDC strongly opposes the provisions of sections 28-31 and 33 and respectfully suggests that far more effective and long-lasting environmental gains would be made in respect of freshwater quality if more stringent provisions were applied to plantation forestry harvesting.
15. WDC opposes part 3, subpart 2, 3 and 4, as this is a misalignment with the provisions of Waikato Regional Council Plan Change One, Healthy Rivers.

**Draft Stock Exclusion Section 360 Regulations**

16. WDC opposes the draft stock exclusion regulations in general. While we agree in principle that stock should be excluded from waterways, there are considerable logistical difficulties fencing areas in our district and this would result in very high costs to our farmers. In addition, the regulations expect fencing of large areas of land to be undertaken over a relatively short timeframe.

17. WDC notes that areas of the Conservation Estate in our district carry large feral populations of both deer and pigs. Both species will stand in water in a similar way to cattle. While we do not propose that the 74,000ha of conservation estate in our district fences its waterways, we do suggest that immediate attention is paid to controlling population numbers of these species.

18. WDC considers that a potential unintended consequence of these regulations might be councils reconsidering the amount of SNAs that can be cleared by farmers in order to allow them to fence their waterways. WDC submits that an unintended consequence of these regulations is indigenous forest clearance for fencing, as stock commonly graze SNAs in our district.

19. WDC considers that the government would be better to incentivise farmers to fence waterways, prioritising these on a catchment by catchment basis. WDC believes that blanket application of provisions such as the ones suggested by this regulation are counter-productive in the longer term to achieving environmental outcomes. Focusing on a series of high-priority catchments identified in each region, then providing subsidies for fencing, strategic advice and other incentivising methods is a far more positive way of achieving water quality.
Thank you for the opportunity to make this submission.

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