Ministry for the Environment - Essential Freshwater Package
Mackenzie District Council Submission

Introduction

Mackenzie District Council welcomes the opportunity to provide feedback on the proposed national direction for the Essential Freshwater package.

The Mackenzie District is predominantly rural in character. Of the total area of 745,562ha, there is approximately 3,000ha of roading, urban settlement and other use. There are 132,000ha of lakes, riverbeds and mountain tops and the remainder is divided into five main systems which together, express the district’s primary productive capacity, being:

- System 1 Unfarmed: Area 132,000ha;
- System 2 Gorge and Moraine Runs: Area 190,000ha;
- System 3 Semi-Arid Plains and Lower Hills: Area 210,000ha
- System 4 The Foothill Country: Area 130,000ha; and
- System 5 The Downlands: Area 80,000ha.¹

Mackenzie District Council supports in principal the outcomes being sought by the essential freshwater package and the importance of protecting our waterways.

General

1. The consultation period of between 5 September 2019 and 17 October 2019 was over the local government three-yearly election cycle, which has significantly impaired a considered response from local elected representatives.

2. Given the significance of the issues, once the initial feedback from submitters has been considered and reflected in a redrafted package, a second round of engagement and consultation is respectfully requested.

3. This submission focuses on the elements of the Essential Freshwater package which are currently available as drafts for public comment, that is the:
   - Draft National Policy Statement for Freshwater Management;
   - Proposed National Environmental Standards for Freshwater;
   - Draft Stock Exclusion Section 360 Regulations.

**Draft National Policy Statement for Freshwater Management (NPS-FM)**

**Conflict with Local Government Act 2002**

4. Although the draft NPS-FM provides 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 (2.1 Objectives), this is inconsistent with the purpose of local government as set out in Section 10 of the Local Government Act 2002. Local authorities have responsibilities under a number of legislative instruments, and it is important that national direction instruments under the Resource Management Act 1991 do not conflict with other statutory obligations.

5. The draft NPS-FM Part 1 - Fundamental Concept, and Part 2 - Objective and Policies conflicts with other statutes. Establishing a hierarchy of priorities in a National Policy Statement (in 1.5(a) and 2.1 (a) to (c)) the NPS-FM seeks to give greater weight to ecosystems than to human health and social and economic wellbeing, whereas local authorities are required to balance the four well beings in their decision-making. This significantly inhibits Council’s ability to give effect to that statutory direction.

**Regulatory Impact Statement**

6. A Regulatory Impact Statement should be undertaken to assess the impacts on the social and economic well-being of communities (both urban and rural), and include a detailed cost-benefit analysis to assess how the package’s objectives are going to be achieved.

7. If the health and wellbeing of waterways and freshwater ecosystems takes precedence over urban development, this potentially means that the levels of impervious surfacing in urban areas may need to be tightly constrained. This conflicts with other national directions to enable intensification and development of urban areas (NPS-UD). The NPS-UD needs to define a “quality urban environment” in a way that sets aside realistic amounts of land for appropriate low impact mitigation and treatment of stormwater runoff.

**Compulsory Values**

8. Adding Mahinga kai or tangata whenua values as compulsory, alongside ecosystem health and human health for recreation, is supported. Greater recognition of threatened species as a compulsory value is also supported.

**National Bottom Lines**

9. While it is acknowledged that the health of freshwater needs to be managed, current available evidence seems to indicate multiple factors contribute to ecosystem health including flow regime, nutrient concentration and physical habitat. The ways that these factors interact is specific to individual catchments, and does not lend itself to singular national attributes.

**Proposed National Environmental Standard for Freshwater (NES)**

**Farm Plans**

10. Environmental Farm Plans are not new to Canterbury and are currently part of the Canterbury Land and Water Regional Plan regime. There is already a real concern that there are insufficient qualified practitioners on a national scale who are available to
undertake professional farm plans. A Regulatory Impact Statement should assess the availability of qualified professional environmental planners before Farm Plans are made mandatory.

11. The definitions in Section 25 include a definition of an “approved farm environmental planner means a suitably qualified and experienced person”. The NES does not set out how these environmental planners are to be approved and registered, and what the criteria are to be suitably qualified.

Schedule 1

12. It is noted that there are no Canterbury catchments included in Schedule 1 of the NES in recognition that the Canterbury Region is already travelling in this direction through its Land and Water Regional Plan and Canterbury Water Management Strategy processes.

Draft Stock Exclusion Section 360 Regulations

13. Plan Change 4 to the Canterbury Land and Water Regional Plan already contained stock exclusion rules, and proposed Plan Change 7 seeks to extend this beyond the Section 360 Regulation to include artificial waterways. This is another example where Canterbury has developed rules to a higher standard than the national regulation.

Thank you for the opportunity to submit on the Essential Freshwater package.

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