RESPONSES TO SPECIFIC QUESTIONS FROM ‘ACTION FOR HEALTHY WATERWAYS’

General questions

1. Do you think the proposals set out in this document will stop further degradation of New Zealand’s freshwater resources, with water quality materially improving within five years?
   The strict regulatory approach will actually slow the improving water quality trend in the short term. There will be uncertainty as to the regulated details which will delay investment until the regional councils have their plans created which will be at least 2025. A community led catchment approach will maintain the momentum of farmers finding and investing in mitigations that address the water quality issues specific to their catchments.

2. Do you think the proposals will bring New Zealand’s freshwater resources, waterways and ecosystems to a healthy state within a generation?
   Yes, but the regulatory approach will have significantly higher costs, and severe impacts on established industries, and the regional economy and communities. Positive engagement with communities to achieve solutions to their specific challenges will achieve many additional small gains the sum of which will be the significant driver of improved health of waterways.

3. What difference do you think these proposals would make to your local waterways, and your contact with them?

4. What actions do you think you, your business, or your organisation would take in response to the proposed measures?
   The costs to our members businesses is significant, particularly around the ability to change landuse, the loss of productive land with the proposed 5m setback from waterways, and potential regulations from Regional Council regarding sediment from erosion.

5. What support or information could the Government provide to help you, your business, or your organisation to implement the proposals? Resource industry
groups and catchment groups to identify the local critical issues and identify practical and effective mitigation strategies.

6. Can you think of any unintended consequences from these policies that would get in the way of protection and/or restoration of ecosystem health?
The limited available expenditure would be spent on expensive consultants to form plans, complying with blanket regulations rather than being targeted at projects that will make a difference to water quality.

7. Do you think it would be a good idea to have an independent national body to provide oversight of freshwater management implementation, as recommended by KWM and FLG? No

Local solutions for local issues

8. Do you have any other comments?

Te Mana o te Wai

9. Do you support the Te Mana o te Wai hierarchy of obligations, that the first priority is the health of the water, the second priority is providing for essential human health needs, such as drinking water, and third is other consumption and use?
It requires a balanced approach that considers all priorities and the consequences to communities.

10. Do you think the proposals will have the desired effect of putting the health of the water first? No

11. Is it clear what regional councils have to do to manage freshwater in a way consistent with Te Mana o te Wai? Definitely not, and the process is very exposed to legal challenges.

12. Will creating a long-term vision change how councils and communities manage freshwater and contribute to upholding Te Mana o te Wai? Yes

New Māori value

13. Do you think either or both of these proposals will be effective in improving the incorporation of Māori values in regional freshwater planning?
14. Do you foresee any implementation issues associated with either approach?

15. What are the benefits and impacts of either of these approaches?

16. What implementation support will need to be provided?

**New planning process for freshwater**

17. Do you support the proposal for a faster freshwater planning process? Note that there will be opportunity to comment on this proposal in detail through the select committee process on the Resource Management Amendment Bill later this year.

   Strongly oppose that there is no opportunity to submit on the regulation document that will be drafted from this consultation. It has been identified as being the most significant impact on farming since the removal of subsidies. The loss of businesses and impacts on communities were significant because of that abrupt decision, let’s not impose unnecessary damage by fast tracking this regulation.

**More integrated management of freshwater**

18. Does the proposal make the roles and responsibilities between regional councils and territorial authorities sufficiently clear? National bottom lines and requirement to meet levels on all contaminants at a farm level results in less opportunity to target regulations at local level.

**Exceptions for major hydro schemes**

19. Does the proposal to allow exceptions for the six largest hydro-electricity schemes effectively balance New Zealand’s freshwater health needs and climate change obligations, as well as ensuring a secure supply of affordable electricity?

   Effectively its rates the Tiwai Aluminium smelter as a more valuable strategic asset rather than NZ’s pastoral farming. The aluminium industry does not have a profitable future in NZ, let it close and create capacity in NZ’s hydro electricity supply so that it can meet the same environmental standards.

**Attributes**

20. Do you think the proposed attributes and management approach will contribute to improving ecosystem health? Why/why not?

   No, it is not focusing on finding local solutions to local challenges.
21. If we are managing for macroinvertebrates, fish, and periphyton, do we also need to have attributes for nutrients that have been developed based on relationships with aquatic life? More scientific research is needed to quantify the relationship between nutrient levels and their effect on aquatic life. Current correlations are not consistent, and the science behind the current limits needs to be published.

**Threatened indigenous species**

22. Do you support the new compulsory national value? Why/why not?
Trout and salmon must be recognized as predators threatening native species of fish.

**Fish passage**

23. Do you support the proposed fish passage requirements? Why/why not?
On new culverts in major waterways, and where a benefit is proven.

24. Should fish passage requirements also apply to existing instream structures that are potentially barriers to fish passage, and if so, how long would it take for these to structures to be modified and/or consented?
No

**Wetlands**

25. Do you support the proposal to protect remaining wetlands? Why/why not?
We support the exclusion of stock from wetlands on non sloping land. However the definition of a wetland needs clarifying, there should be a minimum size and minimum biodiversity value before it is captured by these regulations. The cost of identifying, monitoring and the fence establishment and maintenance will be significant. This may be better spent on developing new wetlands at critical source points of farms, rather than fencing the many small existing wetlands that may have low biodiversity value. The restrictions on earthworks and waterway maintenance within 100m of a wetland are too restrictive. The restriction should apply only to those activities that affect the hydrology of the wetland.

26. If this proposal was implemented, what would you have to do differently?
Accessing and Fencing of some wet swampy areas in hillcounty will be very difficult, maintaining weed control expensive.

**Streams**

27. Do you support the proposal to limit stream loss? Why/why not?
The biodiversity value of a stream must be considered and balanced against the benefits of altering a stream.

28. If this proposal was implemented, what would you have to do differently?
29. Do the ‘offsetting’ components adequately make up for habitat loss?

**New bottom line for nutrient pollution**

30. Do you support introducing new bottom lines for nitrogen and phosphorus? Why/why not?

No. If the relevant nutrient is not at a critical level in the main catchment, then a stream at farm level should not have to meet these bottom lines. An example is in the Whangaehu River catchment Total N is at 10% of the proposed limit. This should provide the opportunity for more vegie production, but this may not be possible because of levels in the small waterways at farm level.

31. If this proposal was implemented, what would you have to do differently?

32. Do you have a view on the STAG’s recommendation to remove the ‘productive class’ definition for the periphyton attribute? N and P bottom lines are set at levels that avoid Periphyton growth, this is only an issue in stony bottom rivers. In mud bottom rivers the limits should be set at levels of toxicity to macroinvertebrates, which is six times higher. The productive class should remain to help address this issue.

**Reducing sediment**

33. For deposited sediment, should there be a rule that if, after a period (say five years), the amount of sediment being deposited in an estuary is not significantly reducing, then the regional council must implement further measures each and every year? If so, what should the rule say?

Sediment in waterways is a natural phenomenon that has created fertile flood plains. The level of sediment is linked to severe weather events, which occur at irregular intervals. These flood events deposit silt on the riverbanks, that is unconsolidated and slumps back into the river over subsequent years. This slumping is essential for the river flood channel capacity to be maintained. It is impossible to expect reductions in sediment to be a straight line trend. Poplar pole establishment on erosion prone country is an effective mitigation but has a long timeframe. Horizons regional council has modelled the impact of erosion control work in the SLUI programme, which shows significant reductions in sediment can be expected from poplar pole establishment.

34. Do you have any comments on the proposed suspended sediment attribute?

Too many influencers such as weather events for this to be traceable to any mitigation activities especially with a short timeframe.
35. If this proposal was implemented, what would you have to do differently?
The risk is a significant area of hillcountry would be lost to pastoral farming, as Regional councils will have few mitigation options. Production forestry has significant sediment issues especially at harvest and the subsequent 5 years

**Higher standard for swimming**
36. Do you agree with the recommended approach to improving water quality at swimming sites using action plans that can be targeted at specific sources of faecal contamination? Why/why not? Yes, We support the goal to have popular swimming sites safe to swim, when river and climatic conditions support swimming. Following high rainfall events, overland contaminants such as faeces are washed into waterways, but high water levels make for unsuitable for swimming. These peaks in Ecoli should be treated with consideration. The most popular swimming sites are coastal beached. The same monitoring, publishing of results and rate of improvements should be expected at beaches as at rivers

**Minimum flows**
37. Is any further direction, information, or support needed for regional council management of ecological flows and levels? No, local issue with local strategies

**Reporting water use**
38. Do you have any comment on proposed telemetry requirements? Very expensive and should be targeted at aquifers that are near fully allocated

**Raising the bar on ecosystem health**
39. Do you have any other comments?

**Draft NPS-FM (see the draft NPS-FM on the Ministry for the Environment's website)**
40. Are the purpose, requirements, and process of the National Objectives Framework clearer now? Are some components still unclear?

41. What are your thoughts on the proposed technical definitions and parameters of the proposed regulations? Please refer to the specific policy in your response.

42. What are your thoughts on the timeframes incorporated in the proposed regulations? Please refer to the specific policy in your response.
**Safe Drinking Water**

43. Do you agree with the proposed amendments to the Drinking Water NES? Why/why not?

44. Are there other issues with the current Drinking Water NES that need to be addressed?

45. Do you have any other comments?

**Stormwater and Wastewater**

46. Does the proposed Wastewater NES address all the matters that are important when consenting discharges from wastewater networks? Will it lead to better environmental performance, improve and standardise practices, and provide greater certainty when consenting and investing?

47. Do you agree with the scope of the proposed risk management plans for wastewater and stormwater operators? Are there other aspects that should be included in these plans?

48. What specific national level guidance would be useful for supporting best practice in stormwater policy and planning and/or the use of green infrastructure and water sensitive design in stormwater network design and operation?

49. What are the most effective metrics for measuring and benchmarking the environmental performance of stormwater and wastewater networks? What measures are most important, relevant and useful to network operators, regional councils, communities, and iwi?

50. Do you have any other comments?

**Restricting further intensification**

51. Do you support interim controls on intensification, until councils have implemented the new NPS-FM? Why/why not?

Further Intensification is only a critical issue in some regions, and generally these regional councils have effective land use plans and regulations already in place.
The timeframe of until at least 2025 is far too long, this will reduce the ability of land ownership being transferred and severely impact the succession of farms to the younger generation.
In any case an applicant should not have to prove no increase in all of the contaminants N, P E coli and sediment, but only those that are critical issues in their catchment

52. For land-use change to commercial vegetable growing, do you prefer Option 1: no increase in contaminant discharges OR Option 2: farms must operate above good management practices. What are your reasons for this?
The nutrient pollution from a Vegie producer should not be subsidised by low impact neighbouring farming systems

53. How could these regulations account for underdeveloped land, and is there opportunity to create headroom?

Farm plan options
54. Do you prefer mandatory or voluntary farm plans (acknowledging that farm plans may be required by councils or under other parts of the proposed Freshwater NES?) What are your reasons for this?
Farm plans should be mandatory, but existing plans should be accepted.
The content of Farm plans must be target outcome focused and be driven from the farmers perspective. Industry groups and catchment groups are the best interface with farmers for the development of farm plans.
The accredited consultant and proposed audit requirements are both unachievable due to lack of personnel and resources, and will not create the same ownership of the plans by farmers

55. What are your thoughts on the proposed minimum content requirements for the freshwater module of farm plans?

56. What are your thoughts on the proposed priorities and timeframes for roll out of farm plans, as set out in the proposed Freshwater NES?
Unachievable unless driven by the farmers

57. Do you have any comment on what would be required to ensure this proposal could be effectively implemented, including options for meeting the cost of preparing, certifying and auditing of farm plans; and on financing options for other on-the-ground investments to improve water quality?
Less money spent on consultants preparing regulatory focused plans, get farmers engaged via catchment groups and focused on achieving outcomes. This will mean money is spent on achieving projects rather than just planning them.

**Immediate action to reduce nitrogen loss**

58. Which of the options (or combination of them) would best reduce excessive nitrogen leaching in high nitrate-nitrogen catchments? Why?

59. If you are in a high nitrate-nitrogen catchment, what would you have to do differently under these options?

60. In addition to those already identified, are there other high nitrate-nitrogen catchments that should be subject to these options?

61. Do you think the action already underway in five regions (identified in section 8.4) will be effective in reducing excessive nitrogen leaching in those high nitrate-nitrogen catchments?

62. Should there be higher thresholds for farms that produce food products in winter, and if so, which food products?

63. What alternative or additional policies could contribute to reducing nitrogen loss?

64. Do you have any comment on what would be required to ensure this proposal could be effectively implemented?

**Excluding stock from waterways**

65. Do you support excluding stock from waterways? Why/why not?
   Yes on non sloping land less than 5 degrees,

66. Do you have any comment on the proposed different approach for larger and smaller waterbodies?
67. Do you have any comment on the proposed five metre setback, or where it should be measured from? Focus the 5m setback on critical source points, such as where overland surface water enters a waterway. Where surface water doesn’t enter a waterway, a larger setback will have no positive water quality outcome.

68. Are there any circumstances that are appropriate for allowing exemptions to the stock exclusion regulations? If so, please give examples.

**Controlling intensive winter grazing**

69. Do you prefer Option 1: Nationally-set standards or Option 2: Industry-set standards? Why? Industry set standards will be focused on best practice management and be better focused on regional variability.

70. For the proposed nationally-set standards, which options do you prefer for the area threshold, slope, setback, and pugging depth components of the policy? A matrix table of all of the above is preferable so that there are options to mitigate a critical factor such as slope with a lighter class of animal. Nationally set standards will not provide the flexibility and do recognize the ability of good management to restrict environmental impacts.

**Restricting Feedlots**

71. Do you have any comment on the proposal to restrict feedlots? Wintering cattle on feedlots on free draining soils are an important mitigation tool to reduce impact of cattle on the more vulnerable heavy soils and erosion prone hillcountry. Sediment is key water quality issue in Wanganui waterways.

72. Reducing pollution from stock holding areas

73. Do you support the proposal relating to stock holding areas? Why/why not? The setbacks from waterways are too large, the limited areas of suitable soils are in close proximity of the rivers in the Whanganui province. Nitrogen levels in local rivers are well below the 1.0 proposed national standard, this is the potential contaminant from attenuation through the soil. We support the control and prevention of overland flow of contaminants into waterways.

74. Do you think sacrifice paddocks should be included? Sacrifice paddocks should not be included, but critical source points should be identified, and mitigation actions taken.

75. What would you have to do differently if this proposal was implemented?
More cattle would be wintered on heavier soils and on hillcountry. This would likely increase the erosion on hillcountry, this having a larger detrimental impact on environment than the feedlot activities, since sediment is our critical water quality issue in this region.

76. Do you have any comment on what would be required to ensure this proposal could be effectively implemented?
Let regional councils consider the risk of feedlots and standing off pads on a catchment basis, and create regulations where appropriate

**Draft proposed National Environmental Standards for Freshwater**

77. Are the definitions used in the policies accurate, and if not, how do you suggest improving them?

78. What are your thoughts on the proposed technical definitions and parameters of the proposed regulations? Please refer to the specific policy in your response.

79. What are your thoughts on the timeframes incorporated in the proposed regulations? Please refer to the specific policy in your response.

**Aligning RMA National Direction**

80. Do you think there are potential areas of tension or confusion between the proposals in this document and other national direction? If so, how could these be addressed?
Freshwater proposals and their impact on farming systems must be considered alongside the zero carbon and biodiversity proposals.
If the community driven catchment group model is accepted as the most constructive method of engagement with farmers, then this will also compliment the on farm transitions required in subsequent legislation such as biodiversity.
The Government’s partnership with farmers with regard to the ETS should be celebrated, a similar approach with these Freshwater Proposals will deliver the most successful improvement in water quality.

81. Do you think a planning standard is needed to support the consistent implementation of some proposals in this document? If so, what specific provisions do you consider would be effectively delivered through a planning standard tool?