



**SUBMISSION**

**04 FEBRUARY 2014**

**TO**

**The Ministry for the Environment**

**ON**

**Freshwater Reform.  
Proposed Amendments  
to the NPS-FM 2011**

**BY**

**Beef + Lamb New Zealand Ltd**

[ withheld ]

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**BY FARMERS. FOR FARMERS**

# Submission

## 1. Introduction

- 1.1 Beef + Lamb New Zealand Ltd (B+LNZ) welcomes the opportunity to make a submission on proposed amendments to the National Policy Statement for Freshwater Management 2011.
- 1.2 B+LNZ is an industry-good body funded under the Commodity Levies Act through a levy paid by producers on all cattle and sheep slaughtered in New Zealand. Its mission is to deliver innovative tools and services to support informed decision making and continuous improvement in market access, product positioning and farming systems.
- 1.3 B+LNZ is actively engaged in environmental issues that affect the pastoral production sector.
- 1.4 B+LNZ supports the general approach being proposed and considers that many of the measures will assist in ensuring that the overall quality of freshwater in New Zealand is maintained or improved and that local communities and iwi are fully engaged in the process.
- 1.5 B+LNZ supports the proposed National Objectives Framework (NOF), including the two compulsory values of secondary contact recreation and ecosystem health, and a flexible approach to other values.
- 1.6 B+LNZ supports the banded framework, which provides for local communities to determine standards to be achieved, whilst ensuring that there is a national bottom line beyond which the country may not go.

## 2. Submission

*Q.1 Have we correctly identified the problems currently associated with implementing the NPS-FW?*

- 2.1 B+LNZ believe that the current proposals go a significant way towards addressing the practical issues relating to the implementation of the NPS-FW at a regional level. Inevitably, this will be an ongoing and iterative process as practice and experience informs the issues.

*Q. 2 If not, what problems, if any have you faced with implementation?*

- 2.2 As regional councils move to introduce regional water plans in advance of the NOF and direction on robust consultation processes, different community consultation processes of variable quality have been or are being used. In particular, some community water state objectives are being determined in the absence of data on the impacts of such decisions.
- 2.3 In particular, the economic and social impacts or benefit/cost analysis of particular water quality states are not well presented in the debate, either through poor data or through being considered separately from other impacts, by differing groups in the community. Community decisions must be fully informed of all the issues, on the best information available at the time.
- 2.4 Transparent processes need to exist that allow review of community decisions in the light of significant new data.

*Q. 3 Do you agree that amending the NPS-FW would solve the problems identified in section 2?*

- 2.5 B+LNZ submits that amending the NPS-FW will go some way towards addressing the problems identified in section 2, but believes that additional guidance is required to ensure a more robust

and consistent approach to implementation regionally and nationally, and to remove uncertainty.

*Q.4 If not, would additional guidance be sufficient to solve the problems identified?*

- 2.6 Additional guidance, including better definitions of some terms, has the potential to solve the problems identified, provided it is clear, transparent and informed by science and practical experience. Guidance will also need to be iterative in order to address issues that emerge as the NPS-FW and guidance are implemented.

*Q.6 Do you agree with requiring councils to account for all water takes?*

- 2.7 B+LNZ agrees that all water takes must be accounted for.

*Q.7 Do you agree with requiring councils to account for all sources of contaminants?*

- 2.8 B+LNZ agrees that all sources of contaminants must be accounted for. All sources includes point source, diffuse, mixes of those two, and naturally occurring sources such as high phosphate rock, or wild animal colonies. A full range of contaminants also needs to be accounted for, not just those of current concern, to allow for emerging issues to be identified and addressed early before they become problematic.

*Q.10 Should there be a national set of values as outlined in appendix 1 of the proposed NPS-FM?*

B+LNZ supports the provision of a nationally consistent set of values across a range of values managed by regional councils.

*Q.11 Are there any additional values that should be included? Why are these values nationally significant/important (recognising that councils can use other values if they wish)?*

- 2.9 B+LNZ notes that the dilution, cleaning and disposal of wastes has been deleted as a value, which was previously included in the preamble. The natural cleansing capacities of waterbodies has been recognised and used extensively in the past. It is submitted that recognition of this capacity and value should be reinstated.

*Q.13 Do you agree with the descriptions of the national values in appendix 1 of the proposed NPS-FM?*

- 2.10 B+LNZ submits that for Ecosystem health, reference is made of the need to manage the adverse impacts of introduced flora and fauna, including pest species.
- 2.11 B+LNZ submits that for Mana Tangata: Fishing, the description should be amended to "The freshwater management unit ~~supports~~ is capable of supporting fisheries of species allowed to be caught and eaten" to avoid any mis-interpretation that fish species allowed to be caught and eaten must be present, particularly introduced species.

*Q.14 Do you agree with the attributes associated with the values in appendix 2 of the proposed NPS-FM?*

*Q.15 Do you agree with the numeric attribute states in appendix 2 of the proposed NPS-FW?*

*Q.16 Do you agree with the narrative attribute states in appendix 2 of the proposed NPS-FM?*

- 2.12 B+LNZ supports the introduction of the NOF and attributes framework as it will enable a more consistent approach to the setting of limits, and will assist regional councils already establishing objectives and limits.

- 2.13 B+LNZ supports the development of specific, quantified, scientifically robust attributes for freshwater objectives wherever possible. Recognising that scientifically defensible attributes and states are not currently available for many of the attributes identified, B+LNZ supports an iterative approach to the national objectives framework that recognises this evolving nature of freshwater science.
- 2.14 B+LNZ submits that the level of science underpinning the setting of bottom lines should be high as these have potentially very far reaching and significant impacts of communities.
- 2.15 B+LNZ recognises that the data to support the setting of objectives for sediment, heavy metals, pH, temperature, invertebrates is currently lacking, and supports their inclusion as the data becomes available. Research should be prioritised to acquire the data needed.
- 2.16 B+LNZ submits that the exclusion of macro-invertebrate indicators of aquatic ecosystem health is a significant deficiency from this initial iteration of the NOF. Such indicators are critical to assessing the overall ecosystem health, reflecting the interplay between a number of very specific indicators. The use of the Macroinvertebrate Community Index (MCI) as an indicator of overall ecosystem health is well developed in New Zealand and is routinely used nationally. In addition, nationally accepted bands for MCI already exist and are consistent with the NOF banding approach.
- 2.17 B+LNZ supports the inclusion of human health (secondary contact recreation) as a compulsory value nationally. However recognition of naturally occurring exceedences needs to be taken into consideration e.g. contamination of water by birds.
- 2.18 Consideration needs to be given to the avoidance of unintended consequences. For example, in extensively (c.f. intensive) farmed hill and high country where fencing of all waterways is impractical and potentially detrimental to other values, and where issues of animal welfare arise (e.g. access to streams and tarns for drinking water, or emergency supplies where reticulated supplies are frozen) there may need to be some provision for such circumstances.
- 2.19 B+LNZ would also caution that the implementation of community agreed attribute states must be supported by sound science, good data and analysis.

*Q. 17 Do you agree with putting a NOF in the NPS-FM now, including only the attributes for which there is adequate evidence, and updating it as the scientific basis for further attributes and states becomes available?*

*Q. 18 Or should the Government delay putting the NOF into place until a more comprehensive set of attributes has been developed?*

- 2.20 B+LNZ supports the inclusion of the NOF in the NPS-FM now, with amendments made as there is sound science available to support additions. Planning processes are already underway in many places and the introduction of the NOF now will assist in the regional processes.
- 2.21 All attributes should be included based on there being sound science based on New Zealand species and conditions, and robust analysis of cost benefits to support the inclusion.
- 2.22 This must be balanced so that the perceived need for knowledge does not result in lack of timely action.

*Q. 19 Do you agree with having the process requirements to link values and freshwater objectives directed in policy CA1 in the proposed amendments? If not, why not.?*

*Q.20 Do you think the process outlined will work? If not, why not?*

- 2.23 B+LNZ supports the inclusion of process requirements in policy CA1. These will assist regional implementation and provide for a more consistent and sustainable approach, allowing greater community consultation and sound collaborative processes.

*Q. 22 Is it clear that setting freshwater objectives is an iterative process which involves consideration of the impacts of the limits, management methods, and timeframes required to meet a potential freshwater objective?*

2.24 B+LNZ considers that it is clear that these processes are iterative.

*Q. 23 Do you agree that regions should have discretion to determine timeframes for meeting freshwater objectives?*

2.25 B+LNZ agrees that regions should have discretion to set timeframes for meeting freshwater objectives, through robust collaborative processes with the community.

*Q. 25 Do you agree that ecosystem health should be a compulsory value?*

*Q. 26 Do you agree that human health for secondary contact recreation (such as boating and wading) should be a compulsory value?*

*Q.27 Do you think there should be more compulsory values? If so, what should they be, and why? What attributes should be associated with them?*

2.26 B+LNZ supports both ecosystem health and human health for secondary contact recreation as compulsory values.

2.27 B+LNZ does caution that the bottom line for human health needs to be determined after full consideration of all the potential impacts of a limit. See 2.18.

2.28 Other values should be determined through collaborative processes within communities.

*Q. 28 Should there be numeric bottom lines for attributes of the compulsory values?*

*Q. 29 Do you agree with the proposed level at which bottom lines would be set for each attribute of ecosystem health? If not, at what level should they be set?*

*Q.30 Do you agree with the proposed level at which bottom lines would be set for each attribute of secondary contact recreation? If not, at what level should they be set?*

*Q.31 Do you agree that transitional arrangements should be provided to allow councils and communities to set objectives below a national bottom line for a short time?*

2.29 B+LNZ supports the use of numeric bottom lines to define the attributes of compulsory values, supported by robust science that is calibrated to indigenous species and focused on effects.

2.30 B+LNZ submits that annual medians and maximums are not appropriate for assessing compliance in a dynamic freshwater system, and recommends that rolling 3-5 year average annual medians be used.

- The Ministry for the Environment's Proposed Amendments to the National Policy Statement for Freshwater Management 2011 – section 32 evaluation, at page 25, states, "An aggregated national estimate of the benefits and costs of the proposed amendments to the NPS is difficult for two principle reasons: there is no national level information on the opportunity costs of establishing the national objectives framework and requiring compliance with the national bottom lines for ecosystem health and human health
- there are no nationwide economic impact studies on the costs and benefits of meeting bottom lines (regional case studies have been done where monitoring shows bottom lines are not currently met).

2.31 For the sake of consistency across regions, fiscal prudence and to avoid repetition of services a single nationwide section 32 evaluation of the benefits and costs of meeting bottom lines carried out by a central agency could be beneficial.

2.32 B+LNZ submits that transitional arrangements should not allow objectives below a national bottom line to be set, but that adequate time should be to move from a position below a

national bottom line. This would ensure that the focus remains on achieving or bettering the bottom line.

*Q.32 Do you agree that there could be exemptions where the natural state of the freshwater management unit breaches bottom lines? Where in your regions do you think this type of exception might apply?*

*Q.33 Do you agree that there could be exceptions where historical activities have created impacts on water quality and the reversal of those impacts is not reasonably practical, either physically or ecologically, even in the long term?*

*Q.34 Do you agree that there could be exceptions for significant existing infrastructure (e.g. dams), where a choice is made to manage a freshwater management unit below bottom lines?*

*Q. 35 Do you agree that freshwater management units eligible under the first two exceptions above should be decided by regional councils?*

*Q. 36 Do you agree that those freshwater management units eligible for an exception due to the effects of significant existing infrastructure should be decided at a national level and included.*

*Q.37 What should the criteria be for allowing exceptions due to the effects of significant existing infrastructure?*

- 2.33 B+LNZ agrees that there will be occasions when exemptions may be required, but that these should be determined at a national level to ensure consistency, in consultation with regional councils, following a collaborative process.

*Q. 38 Do you think the proposed NPS-FM adequately provides for Te Mana o te Wai?*

*Q.39 Do you agree with the way Tāngata Whenua values are described in proposed appendix 1 of the NPS-FM?*

*Q.40 Do you support adding Te Mana o te Wai to objective A1 of the amended NPS-FM as a matter that must be safeguarded? What would be the implications of adding this to objective A1 in the NPS-FM?*

- 2.34 B+LNZ considers that the proposed NPS-FM adequately provides for Te Mana o te Wai, and that the values are adequately described in appendix 1.
- 2.35 B+LNZ does not support the adding of Te Mana o te Wai to objective A1 as this would make the natural form and character a compulsory value as this concept will be problematic to define in planning with the potential for significant unintended consequences.

*Q. 41 Do you agree with the new section in the NPS-FM requiring monitoring plans? If not, why not?*

- 2.36 B+LNZ supports the requirement for monitoring plans. Monitoring is fundamental to being able to manage a resource, and to know if progress is being made towards the objectives or not.

### 3. Conclusion

- 3.1 B+LNZ commends the work done on the proposed amendments to the NPS-FM and recognises that in general these will add significantly to the improved management of our freshwater resources.
- 3.2 The opportunity to provide comment is appreciated and B+LNZ is happy to discuss the issues raised.

Contact: [ withheld ]  
Senior Environmental Policy Advisor  
[ withheld ]