

“PROPOSED AMENDMENTS TO THE NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT 2011 – A DISCUSSION DOCUMENT”



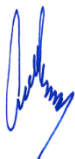
SUBMISSION TO GOVERNMENT 4 FEBRUARY 2014

INTRODUCTION

1. Horticulture New Zealand (**Horticulture NZ**) welcomes the opportunity to submit on the Proposed amendments to the National Policy Statement for Freshwater Management 2011 – Discussion Document”.
2. Horticulture NZ was established on 1 December 2005, combining the New Zealand Vegetable and Potato Growers’ and New Zealand Fruitgrowers’ and New Zealand Berryfruit Growers Federations.
3. The sector represents 5500 growers producing around 110 crops, focused on producing food for people. Approximately \$1.75 billion in domestic revenue is generated yearly, and another \$2.3 billion of fresh on board value is produced for export. A \$4 billion dollar industry in total, employing 50,000 workers in eight major growing regions across the country.
4. Affiliated to Horticulture NZ there are 21 product groups that represent and address product specific issues: e.g. Process vegetables, Potato, Tomato, Fresh Vegetables, Export Squash, Asparagus, Pipfruit, Kiwifruit, Avocados and Summerfruit.
5. There are also the district grower associations that represent growers at a local level and with whom Horticulture NZ works in conjunction on resource management issues.
6. Freshwater is a key policy for the New Zealand horticulture sector given the economic and food production benefits of horticultural production which rely on freshwater. The implications of water reform for the horticulture sector cannot be underestimated.
7. Horticulture NZ manages issues that cover and affect the whole horticulture industry (excluding winegrowers and winemakers), on behalf of all its grower members. Horticulture NZ is currently active in 48 regional and district Government plan processes throughout the country, some involving early and predictive engagement, through to initial submissions and appeals before the Environment Court and has been to the High Court, in the case of the Horizons One Plan.
8. Many of the issues are common between plans, so Horticulture NZ also provides input to policy at the national level focussing currently on matters such as water management, biosecurity, seasonal labour, climate change, hazardous substance management, energy policy, waste management, contaminated land, soil conservation, subdivision, land use change and other resource management issues.
9. The industry body is committed to continuous environmental improvement, and has developed over time a comprehensive Audited Self-Management System known as NZGAP. NZGAP contains a significant body of well researched Good Management Practices for growers, covering issues of significance to markets and regional councils.

10. Horticulture New Zealand was a foundation member of the Land and Water Forum, participating on the Small Group of 22 organisations tasked with undertaking the “heavy lifting” in the development of policy direction on freshwater management. We were also involved in many of the subgroup processes focussing on elements of the Land and Water Forum package; specifically in the project groups for water quality, water allocation, governance and strategy.
11. We have continued to work to assist the Government through participation in work programmes including on the National Objectives Framework Reference Group.
12. The Horticulture NZ submission is detailed in the attached table.
13. As a general comment we generally support the direction the discussion document and proposed amendments to the NPS-FM and the proposal for the National Objectives Framework. There are four key areas identified and where changes are sought:
 - i) Recognition of the wider benefits of food production and an amendment to the value of Mahi mara;
 - ii) Recognition of the need to make amendments to the RMA to enable a collaborative process for plan development;
 - iii) Retaining the two proposed compulsory values of ecosystem health and human health (secondary contact recreation) and reflect these in Objective A1. Te Mana o te Wai should only be included in Objective A1 where it is clearly linked to the compulsory values. Other aspects of Te Mana o te Wai should be included with other values in Objective A2. This would ensure that there is a clear priority for the two compulsory values.
 - iv) Removal of the ability to seek exemptions where bottom lines may be breached.
14. Horticulture NZ does wish to be heard in relation to this submission, should an opportunity be provided for hearings.

Dated 4 February 2014



[withheld]

[withheld]

Section number	Question	Comments	Relief sought
SECTION 2	1. Have we correctly identified the problems currently associated with implementing the NPS-FM?	<p>Generally, we would say yes. But there is one other key problem that has not been identified, and that is the legitimacy of values that have been identified by various parts of the community. There needs to be a willingness to be open to accepting values of all parties. For example: Regional Councils and other stakeholders have not agreed to primary production values that extend beyond economic wellbeing.</p> <p>Farmers and growers are now being asked to participate in limit setting processes that are designed to be completed by 2030. Farmers and growers are seeking clarification of their rights and interests within the policy processes, because while they are prepared to recognise the value sets of other interests, there is considerable opposition to a broader analysis (including social, cultural and environmental factors) of primary production values. Rural community interests are ascribed as economic values in the absence of a wider determination.</p> <p>The NPS is being redrafted to provide for the National Objectives Framework (NOF). The NOF aims to set national bottom lines where possible and to prescribe a standard framework for setting limits at the regional/catchment level.</p>	<p>Retain the values for:</p> <ul style="list-style-type: none"> • Mahi māra / cultivation • Commercial and industrial use • Irrigation <p>Make an amendment to the explanation for the value of Mahi māra in the following way:</p> <p><i>“Food production as a value has core elements of providing essential services and wellbeing. In providing for food security, rural communities would be able to access sufficient and suitable water to enable them to produce a range of foods and fibre, <u>and to maintain the connection of rural communities to the land.</u> The attributes will need to be specific to the rural needs in the catchment.”</i></p>

		<p>The NOF needs to ensure that the primary sector's values are adequately addressed and given appropriate weight in the NPS/NOF and that there is an easily understood system for translating these values into regional and district planning documents.</p> <p>Generally revisions to the values that provide for Mahi māra / cultivation are supported, alongside the values for irrigation and commercial / industrial use. In our view these values provide for rural communities in all except one way: they do not provide for the connection of rural communities to the land. We seek a change in the text of the value for cultivation to provide for this.</p>	
	2. If not, what problems, if any, have you faced with implementation?	<ul style="list-style-type: none"> • Problems with special treatment and exceptions provided for particular industries and parties, particularly domestic and municipal supply agents and power generators. • A lack of collaboration in determining the appropriate values for each water body. • Multiple interpretations of the current NPS by Courts and other parties. 	Clearer definition of the values in the NPS-FM and clarity of the process for implementation.
SECTION 3	3. Do you agree that amending the NPS-FM would solve the problems identified in	The amendments proposed will help, but should be accompanied by changes to the Schedule 1 process requiring a greater level of collaboration and structure	Continue with proposed amendments to the RMA that enable a collaborative process as

	section 2?	around setting limits, determining values and providing for freshwater objectives.	proposed by the Land and Water Forum.
	4. If not, would additional guidance be sufficient to solve the problems identified?	Additional guidance will be necessary.	No specific relief sought
	5. Is there another solution to the problems? Why would that be preferable?	Ongoing work is required to refine and expand on the national objectives framework, but the changes proposed provide a solid foundation for this to happen.	Retain the current solution
SECTION 4.1: Accounting	6. Do you agree with requiring councils to account for all water takes?	Yes.	Retain the requirement to account for all water takes, as currently worded to provide for the option of modelling takes that are small in nature and have a minor effect. We continue to support the cut-off of 5 L a second for the requirements of the section 360 regulation for measurement of water takes.
	7. Do you agree with requiring councils to account for all sources of contaminants?	Yes. Ideally accounting will occur before limits are set to understand the full implications of setting limits where the community is chosen to do so. There are significant problems that are being created in some areas of the country due to limits being imposed before the true nature of discharges is	Require councils to establish an accounting system before the limit is set.

		<p>determined.</p> <p>Our view is that many of these limits will be re-litigated. For sound long-term policy a full accounting of all sources will be required, and the accounting system should be established before the limit is set.</p>	
	8. Do you think that the requirements in policies CC1 and CC2 of the proposed NPS-FM amendments have the right balance between national prescription and regional flexibility?	Yes, although potentially it is more desirable to establishing national accounting system that can then be adopted by the regions.	Consider reviewing the national policy statement in five years, once a national accounting system has been established.
	9. Do you think the time period allowed for councils to develop accounting systems is appropriate?	No. The policy takes effect 24 months from the date of entry into effect of the amendments. Many catchments are undergoing plan changes currently with significant economic, social and cultural implications and there is not an accounting system is established in the first place. One such example is the Te Waihora / Selwyn plan change.	Amend Policy CC1 to take effect immediately.
SECTION 4.2: National Objectives Framework (NOF) Values	10. Should there be a national set of values as outlined in appendix 1 of the proposed NPS-FM?	Yes. See answer to question one above.	Retain the framework and the list of values as proposed in our relief sought for question one above.

	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)?	No.	Retain the current list of values.
	12. Are there any values that should be deleted from appendix 1 of the proposed NPS-FM and why?	No.	Retain the current list of values
	13. Do you agree with the descriptions of the national values in appendix 1 of the proposed NPS-FM?	See proposed relief in response to question one above.	<p>Make an amendment to the explanation for the value of Mahi māra in the following way:</p> <p><i>“Food production as a value has core elements of providing essential services and wellbeing. In providing for food security, rural communities would be able to access sufficient and suitable water to enable them to produce a range of foods and fibre, <u>and to maintain the connection of rural communities to the land.</u> The attributes will need to be specific to the rural needs in the catchment.”</i></p>

Attributes	14. Do you agree with the attributes associated with the values in appendix 2 of the proposed NPS-FM?	Yes	Retain the attributes proposed
	15. Do you agree with the numeric attribute states in appendix 2 of the proposed NPS-FM?	Yes	Retain the numeric states for the attributes proposed.
	16. Do you agree with the narrative attribute states in appendix 2 of the proposed NPS-FM?	Yes	Retain the narratives proposed.
Timing	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?	Yes. Ideally, the national objectives framework reference group will continue a work programme to further populate the attributes of each value reflecting community consultation identifying the accuracy of the attributes state descriptors.	Retain the national objectives framework as proposed.
	18. Or should the Government delay putting the NOF into place until a more comprehensive set of attributes has been developed?	No.	See answer to question 17 above
Process for freshwater	19. Do you agree with having the process requirements to	Yes.	Retain policy CA1

objective setting	link values and freshwater objectives directed in policy CA1 in the proposed amendments? If not, why not?		
	20. Do you think the process outlined will work? If not, why not?	Yes.	
	21. Do you agree with the proposed matters in policy CA1(f) that must be considered when establishing freshwater objectives? If not, why not?	Yes.	
	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?	Yes.	
	23. Do you agree that regions should have discretion to determine timeframes for meeting freshwater objectives?	Yes.	Retain the discretion to determine timeframes for meeting freshwater objectives.

	24. Are there any aspects of the process that are not clear?	Yes, the exemptions process is unclear.	Modify the exemptions framework to eliminate all but natural contamination related exemptions.
QUESTIONS FOR SECTION 4.3: Compulsory values in the NPS-FM	25. Do you agree that ecosystem health should be a compulsory value?	Yes.	
	26. Do you agree that human health for secondary contact recreation (such as boating and wading) should be a compulsory value?	Yes.	
	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?	No.	Retain ecosystem health and human health for secondary contact recreation as the primary and compulsory values.
Questions for section 4.4: National bottom lines	28. Should there be numeric bottom lines for attributes of the compulsory values?	Yes.	

	29. 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?	Yes.	
	30. 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?	Yes.	
	31. Do you agree with the proposed level at which bottom lines would be set for each attribute of human health for secondary contact recreation? If not, at what level should they be set?	Yes.	Retain the proposed levels for bottom lines.
Questions for section 4.5: Exceptions to bottom lines	32. Do you agree that there could be exceptions where the natural state of the freshwater management unit breaches bottom lines? Where in your region do you think this type of exception might apply?	No. The two most likely parties to seek exemptions will be urban authorities seeking to manage stormwater networks and drainage systems where waterbodies have been highly modified, and degraded; and power generators looking to have their facilities exempted from a requirement to meet bottom lines.	Delete Policy CA2 b. Delete Policy CA3. Remove proposed appendix 4

		<p>The timeframe flexibility provides an opportunity for continuous improvement in any case. Providing exemptions for those parts of the community that can afford to initiate a national process to obtain an exemption has significant equity issues. It is likely that the rural community will bear the brunt of this inequity.</p> <p>There are no reasons why exemption should be able to be sought for other than natural contamination reasons.</p> <p>Water quality is the responsibility of all New Zealanders, and there should be no exceptions to that.</p> <p>Policy CA2 b. should be removed. There are few water bodies where there is significant social or economic activity that has not been highly modified through historic circumstances, for reasons of drainage, damming or flood protection. This policy will create an uneven playing field, where highly resourced or politically important parts of the community will be able to apply to obtain an exemption and those that are not well resourced or politically connected will not be able to.</p> <p>If we create exemptions like this, we will develop unrealistic timeframes to achieve freshwater objectives and this will damage our long-term</p>	
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		economic and social well-being.	
	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 practicable, either physically or ecologically, even in the long term? Where in your region do you think this type of exception might apply?	No. See answer to question 32 above.	Delete Policy CA2 b. Delete Policy CA3. Remove proposed appendix 4
	34. Do you agree that there could be exceptions for significant existing infrastructure (eg, dams), where a choice is made to manage a freshwater management unit below bottom lines? Where in your region do you think this type of exception might apply?	No. See answer to question 32 above.	Delete Policy CA2 b. Delete Policy CA3. Remove proposed appendix 4
	35. Do you agree that freshwater management units eligible under the first two exceptions above should be decided by	No. See answer to question 32 above.	Delete Policy CA2 b. Delete Policy CA3. Remove proposed appendix 4

	regional councils?		
	36. Do you agree that freshwater management units eligible for an exception due to the effects of significant existing infrastructure should be decided at a national level and included in appendix 3 of the NPS-FM?	No. See answer to question 32 above.	Delete Policy CA2 b. Delete Policy CA3. Remove proposed appendix 4
	37. What should the criteria be for allowing exceptions based on significant existing infrastructure?	See answer to question 32 above.	Delete Policy CA2 b. Delete Policy CA3. Remove proposed appendix 4
Questions for section 4.6: Tāngata whenua values	38. Do you think the proposed NPS-FM adequately provides for Te Mana o te Wai?	It is clear that iwi have rights and interests in freshwater. But those rights and interests are not the only rights and interests in freshwater. Iwi rights and interests can only be partially satisfied through amendments to the Resource Management Act. Legislative amendments are required to address grievance. It is appropriate to recognise and provide for tāngata whenua values where it does not create a grievance by undermining other rights and interests in freshwater without appropriate compensation.	Retain the proposed NPS as notified, apart from amendments sought in this submission.

	39. Do you agree with the way tāngata whenua values are described in proposed appendix 1 of the NPS-FM?	The organisation has no view either way	
	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?	<p>Three national values are described in Appendix 1 that contribute directly to Te Mana o te Wai. The first two are the compulsory national values that we have sought to retain. The third is “Te Hauora o te Taiao” / the health and mauri of the environment. In particular, this value seems to apply to matters of natural form and character.</p> <p>If Objective A1 is clearly aimed at preserving the compulsory national values listed in appendix 1, we do not consider this third “additional national value” should be automatically given the same status as the compulsory values.</p> <p>If the result is to automatically elevate this third value without identifying a far tighter set of national descriptors into Objective A1, the organisation could not support retention of Te Mana o te Wai in Objective A1.</p>	Either clarify that Te Hauora o te Taiao does not have the same status as the two compulsory national values or delete Te Mana o te Wai from Objective A1.
Questions for section 4.7: Monitoring	41. Do you agree with the new section in the NPS-FM requiring monitoring plans? If not, why not?	Yes.	Retain the new section.

Question for section 4.8	42. Is there anything else you would like to tell us about the issues and proposals in this document?	No	
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