



Date

Freshwater Reform  
Ministry for the Environment  
PO Box 10362  
Wellington 6143  
New Zealand

Via email: [watersubmissions@mfe.govt.nz](mailto:watersubmissions@mfe.govt.nz)

Dear Sir / Madam

**Proposed amendments to the National Policy Statement for Freshwater Management 2011**

Please find attached a submission from the New Zealand Pork Industry Board (NZPork) on the Ministry for the Environment discussion document "Proposed amendments to the National Policy Statement for Freshwater Management 2011".

We have reviewed the proposals for their impact on pig farming in New Zealand. We are generally supportive of the proposals but have noted a number of areas where we feel further consideration or direction is required.

NZPork appreciates the opportunity to comment, and we would be pleased to elaborate further on our submission. Please contact me in the first instance via the details below.

Yours sincerely

A handwritten signature in dark ink, appearing to read "Doran".

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# **SUBMISSION: New Zealand Government Discussion Document: Proposed amendments to the National Policy Statement for Freshwater Management 2011**

## **Introduction**

NZPork is a producer board whose statutory function is to represent the industry good interests of pig farmers and help in the attainment of the best possible net on-going returns.

Pig farmers are leaders in environmental management and have a firm grasp of water quality and quantity pressures. They demonstrate a high level of innovation and environmental stewardship, particularly in regard to manure and nutrient management which has important implications for water quality. The New Zealand pork industry has committed significant time and resource to Sustainable Farming Fund projects centred around nutrient management and environmental initiatives, including development and implementation of the EnviroPork Manual and an industry Environmental Management System. However, profit margins for the industry remain tight and dialogue with farmers has indicated that compliance costs and uncertainty into the future are key issues.

Against this background, in summary:

- NZPork generally supports the intent of the proposals in providing for effective and sustainable environmental management.
- NZPork is an affiliated member of Federated Farmers. We endorse the submission on the proposed amendments of Federated Farmers, and in addition make further comment in this submission to clarify the nature of the issues from the particular perspective of pig farmers. We have also consulted with representatives of other primary sector industries.

## **Why do we need to amend the NPS-FM?**

- 1. Have we Correctly Identified the problems currently associated with implementing the NPS-FM?**
- 2. If not, what problems, if any, have you faced with implementation?**

Many of the problems associated with implementation have been identified, however further consideration could be given in some areas. The proposed amendments have not addressed the issue that councils have continued to apply region or catchment wide default limits and expectations before a collaborative process has been undertaken. This is contrary to the intent of the NPS-FM and NZPork recommends that this be clearly articulated in the document.

NZPork strongly supports a collaborative process for freshwater management. We recognise that this can be resource intensive, but believe these costs are outweighed by the fact it provides opportunity for intensive stakeholder engagement and utilisation of local community knowledge and expertise. We recommend that a clear framework be provided for communities to follow in managing a collaborative process. It would also be beneficial to provide guidance on how to set Freshwater

Management Units. If a collaborative process is preferred, there needs to be a way of encouraging use over a Schedule 1 process. NZPork recommends that use of the collaborative process is incentivised and that sound reasoning be required if councils choose to instead follow Schedule 1.

### **Options for providing further national direction**

- 3. Do you agree that amending the NPS-FM would solve the problems identified in section 2?**
- 4. If not, would additional guidance be sufficient to solve the problems identified?**
- 5. Is there another solution to the problems? Why would that be preferable?**

The proposed amendments can be expected to provide a framework to solve the problems identified to some extent.

Additional guidance and decision support frameworks would help with implementation and provide further clarity for stakeholders. NZPork recommends further guidance is provided on where it may be appropriate to use a Schedule 1 rather than collaborative process, managing/facilitating the collaborative process, ensuring the expected process is well described and assessed, and setting Freshwater Management Units and we make suggestions to this effect:

- Prioritisation of collaborative process
- Checklist/framework for collaborative process
- Reporting and auditing to demonstrate process has been followed
- Deciding appropriate scale of FMUs
- Managing iterations
- Selection criteria for freshwater management committees

### **Proposed amendments to the NPS-FM: accounting**

- 6. Do you agree with requiring councils to account for all water takes?**
- 7. Do you agree with requiring councils to account for all sources of contaminants?**

NZPork recognises that in order to manage a resource, it must first be measured. We therefore support the requirement for councils to account for all freshwater takes and sources of contaminants at appropriate levels. Given the significance of urban runoff in contributing contaminants to waterways, it is important this is included in any accounting system.

- 8. Do you think the requirements in policies CC1 and CC2 of the proposed NPS-FM amendments have the right balance between national prescription and regional flexibility?**

NZPork agrees that there is a need for both national direction and regional flexibility in freshwater management. We are concerned that, on occasion, crude inventories such as annual estimates are applied region wide, and that this is not appropriate at a sub-catchment level. We recommend that further guidance on appropriate accounting measures be provided to manage variation between catchments.

- 9. Do you think the time period allowed for councils to develop accounting systems is appropriate?**

NZPork agrees that the timeframe to develop accounting systems is appropriate.

## **Proposed amendments to the NPS-FM: NOF values**

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

NZPork supports the intent to provide national consistency across the range of values managed for by councils. We are therefore supportive of a menu that allows communities to choose which values should be applied, and at which level, in their own freshwater management units.

### **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)?**

NZPork recommends the addition of a value of “social and economic development” for businesses and communities. Healthy, vibrant communities depend on environmental, social and economic sustainability – the three are inherently linked and cannot be managed for separately. Socio-economic resilience is about these linkages, and is more than simply food security or commercial and industrial use.

We note that a value of “cleaning, dilution and disposal of waste” has been deleted from the document with no explanation or mention whatsoever. The cleansing capacity of water is an important value, managed for throughout the country, and NZPork recommends that it be reinstated.

### **12. Are there any values that should be deleted from appendix 1 of the proposed NPS-FM and why?**

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

NZPork suggests that Mahi Mara / Cultivation be amended to include “supporting resilient rural communities”. We further suggest that Au Putea / economic or commercial development be expanded to include the social aspect of economic opportunities.

## **Proposed amendments to the NPS-FM: NOF attributes**

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

NZ Pork supports the banded structure of attribute states in the proposed NPS-FM. We note that biologically monitored attribute states are more appropriate than physico-chemical, and recommend that further development in this area is prioritised.

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

NZPork recommends a move away from purely chemical and physical monitoring towards more biological measures. Focussing on individual measurements may remove the emphasis needed on interactions between attributes and the resulting impacts on ecosystem health. It is important that the relationships between attributes are recognised. We also recommend that key indicator measurements appropriate to individual catchments are included in monitoring programmes, rather than testing wide ranges that may not have any bearing on local ecosystem health.

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

NZPork notes that monitoring narrative attributes may present challenges, but having them alongside numeric states gives more certainty. We agree that the combination provides more direction to communities.

### **Proposed amendments to the NPS-FM: Timing of putting NOF in place**

**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?**

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

NZPork agrees that the NOF should be put in place now, as waiting could result in continuing delays as more comprehensive information is developed. Also, councils have already begun setting limits in their regions meaning that direction is required as early as possible to ensure national consistency. The NOF should be updated as science improves over time to reflect current best practice in freshwater monitoring and management. However, for some councils the ongoing revision of the NOF could mean continuing plan amendments which can be expensive in terms of resources and time. There is also a risk that established monitoring and implementation programmes may be disrupted when the NOF is updated and this needs to be considered. NZPork recommends that elements of the NOF should be put into place only when they have passed rigorous scientific and socio-economic scrutiny.

### **Proposed amendments to the NPS-FM: Processes for freshwater objective setting**

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

NZPork supports the intent of this process, but recommend it be more strategic and provide additional guidelines. The proposed process will be used in place of other guidelines which include frameworks to support decision making, such as checklists, so it is important that this level of guidance also be included in the NPS-FM.

We note that in the excellent diagram illustrating the freshwater management process inside the back cover one of the final steps is “write the plan”. NZPork strongly supports collaboration and iterations prior to drafting a plan, and suggest the guidelines recommended focus councils and communities on following this process in the order illustrated.

NZPork recommends that a framework is developed to inform the level of reporting required by councils to demonstrate that they have considered all matters and values during the objective setting process. We further recommend that government take an active role in assessing or auditing the process used by individual councils and communities to develop limits and objectives.

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

As the document is written, the process of setting values and attributes still appears to be council rather than community led. NZPork recognises that councils retain statutory responsibility for regional plans, however a truly collaborative alternate pathway should be strongly encouraged (as per the Land and Water Forum recommendations). All participants in the process need an equal opportunity to be heard, to feel that their contribution is valued and given due consideration. There

is a real risk of losing valuable stakeholder goodwill and knowledge if the process is not managed effectively.

**21. Do you agree with the proposed matters in policy CA1 that must be considered when establishing freshwater objectives? If not, why not?**

NZPork agrees that the proposed matters must be considered at each step of the process, and recommend guidance is given on how communities should demonstrate this and how government will ensure it happens, particularly with regard to robust cost benefit analysis.

**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?**

The iterative nature of the process is stated several times in the document. NZPork notes that this contrasts with the practice of some councils in giving direction to stakeholders or deciding to consult on certain aspects of plans rather than truly collaborating. NZPork is strongly supportive of the iterative process between objectives and methods described in the proposed amendments.

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

NZPork agrees that communities should have discretion to determine the timeframes for meeting freshwater objectives as part of a collaborative process.

**24. Are there any aspects of the process that are not clear?**

NZPork recommends further clarification of the process for setting Freshwater Management Units, including deciding on appropriate scale, but focussed on principles that should be used rather than prescriptive definitions. It is also not clear how ongoing iterations will be managed – through ongoing plan changes or changes to the NPS-FM as a reference document. NZPork also recommends clarifying whether the process is council or community led as this is not explicit in the current proposals.

As selection criteria for members of community groups involved in freshwater management is already proving to differ in different regions, NZPork suggests that guidance is provided for this part of the process.

**Proposed amendments to the NPS-FM: Compulsory values**

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

NZPork agrees that ecosystem health should be a compulsory value and recommends that this is measured biologically with regard to indigenous species.

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

NZPork endorses the compulsory value of human health for secondary contact recreation.

**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?**

The remaining values should not be compulsory – NZPork supports the intention that communities should decide in collaboration the values to be managed for locally.

### **Proposed amendments to the NPS-FM: National bottom line**

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

NZPork recommends that international best practice is followed by using biological measures of freshwater quality in setting national bottom lines for attributes. The best measure of ecosystem health is the health of organisms in that ecosystem. We further recommend that biological monitoring is calibrated to indigenous species, which is consistent with the NPS requirement to manage for the health of indigenous species. NZpork submits that not every attribute requires a bottom line, and where they are drawn it should be only after rigorous scientific and socio-economic analysis, so that they are robust and defensible.

NZPork is concerned with how compliance with national bottom lines will be assessed. Annual medians and maximums are not appropriate for assessing compliance in a dynamic freshwater system. NZPork recommends that rolling 3-5 year average annual medians are used.

#### **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?**

NZPork recommends more rigorous cost benefit analysis before bottom lines are set. We also note that the bottom line for periphyton with regard to ecosystem health refers to nuisance blooms, which is a recreational indicator.

#### **30. 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?**

NZPork recommends more rigorous analysis before proposed bottom lines for human health for secondary contact recreation are set.

#### **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?**

Objectives are able to be set by communities with very long timeframes for achievement, therefore NZPork considers that transitional arrangements are not necessary and therefore Policy CA3 is redundant.

### **Proposed amendments to the NPS-FM: 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?**

#### **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 longterm? Where in your region do you think this type of exception might apply?**

**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? Where in your region do you think these types of exceptions might apply?**

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

**37. What should the criteria be for allowing exceptions based on significant existing infrastructure?**

NZPork opposes a liberal exception regime as currently described. The NPS-FM allows for objectives to be set with very long timeframes and we believe that this, in conjunction with bottom lines set at an appropriate level and based on robust and defensible science, should mean that exceptions are not necessary.

An alternative may be to have an exceptionally robust and defensible regime where any exceptions are decided at a national level and included in appendices of the NPS-FM.

#### **Proposed amendments to the NPS-FM: Tangata whenua values**

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

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

**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?**

NZPork recognises the role of tangata whenua as kaitiaki with regard to freshwater management and we are supportive of ongoing collaboration with iwi.

While we appreciate the importance of “natural form and character” in water bodies, NZPork is opposed to any suggestion it be included as a compulsory value. Assessing natural form and character is highly subjective and the importance of this value varies widely between water bodies, so it is important that decisions on application of this value be agreed at a local (FMU) level.

#### **Proposed amendments to the NPS-FM: Monitoring**

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

NZPork supports a requirement for monitoring plans and recommends that a preference for biological monitoring be indicated. National guidelines for principles of monitoring programmes to ensure consistency would be helpful, but these must also allow flexibility at a local level (including the ability to use indicator measures appropriate to each catchment). It is important that robust data is available to inform decisions on setting objectives and limits.

## Other comments

### **42. Is there anything else you would like to tell us about the issues and proposals in the document?**

NZPork is concerned that the broad requirement to maintain or improve water quality could result in resources being expended to improve severely degraded waterways with little chance of rehabilitation, where less resource could be invested in gaining significant improvements to waterways which sit in higher bands. Although we agree that severely degraded waterways need to be improved, it is important that this is not at the expense of achievable improvements elsewhere in catchments or regions. It is therefore imperative that cost benefit analysis is integrated into all objective setting processes.

It is not well articulated how compliance with the NPS-FM will be measured. NZPork recommends that the terms “maintain” and “improve” be better defined and that the focus is on maintaining or improving the values of freshwater as opposed to individual attributes.

NZPork is strongly supportive of a collaborative community process for settling freshwater management objectives. It is imperative that membership of catchment committees be truly representative of the community that lives and works in that catchment and we recommend national guidance on the selection of members. We further recommend that more direction be given in the policies of the NPS-FM to prioritise the collaborative process over a Schedule 1 process.

Environmental improvement cannot be managed in isolation from social and economic development within communities and regions, indeed it is economic development that enables environmental improvement – you can’t be green when you’re in the red. NZPork strongly advises that the linkages between these wellbeings are articulated explicitly in the policy and processes contained in the NPS-FM.

NZPork is generally supportive of the proposals, but note that further development work is required. We appreciate the opportunity to comment, and look forward to working with agencies as these proposals are developed further.