

04 February 2014

Ministry for the Environment
watercomments@mfe.govt.nz

To whom it may concern,

Submission on the Ministry for the Environment's Proposed Amendments to the National Policy Statement for Freshwater Management 2011

On behalf of the Poultry Industry Association of New Zealand (Inc) and Egg Producers Federation of New Zealand (Inc)

1.0 INTRODUCTION

Harrison Grierson have been commissioned by the Poultry Industry Association of New Zealand (Inc) (PIANZ) and Egg Producers Federation of New Zealand (Inc) (EPFNZ) to provide comments in response to the Ministry for the Environment's (MfE) '*Proposed Amendments to the National Policy Statement for Freshwater Management 2011*' Discussion Document.

PIANZ is the national organisation that represents the interests of numerous poultry companies and EPFNZ is the national organisation that represents the interests of commercial egg producers. We have reviewed the discussion document on behalf of PIANZ and EPFNZ and we suggest changes to some of the MfE proposals that may help to resolve several key freshwater management issues that affect the poultry industry, as well as a range of other rural based activities.

2.0 ACCOUNTING FOR WATER QUANTITY

In general we agree with the MfE's proposal to require Council to establish and operate an accounting system for water quantity. We consider that the only way to ascertain whether a water body is at risk of being over-allocated or otherwise is for Council to account for all water takes within the catchment, including those allowed by regional plan rules and/or under section 14(3)(b) of the Resource Management Act 1991 (RMA).

Notwithstanding this, it is important that the implementation of the accounting system does not impose any unreasonable burden or undue restriction on resource users, including the poultry industry.

Despite stating that implementation guidance will be developed, the discussion document is silent on how the accounting system will be implemented and how information will be gathered. We recommend that the Government provide

guidance on how Council might gather the required information (e.g. by way of regional plan rules or an incentive regime) and confirm the level of detail that might be required from resource users, at the same time provide information on when the Proposed National Policy for Freshwater Management (NPS-FM) will be released.

We would like an opportunity to review and provide comments on any guidelines provided by the MfE in terms of freshwater quantity accounting.

3.0 ACCOUNTING FOR WATER QUALITY

It is unclear as to how the Government anticipates an accounting system for water quality will be implemented. Unlike water take data which can simply be collected from resource users, the gathering of water quality information (i.e. sources of contaminants) depends on extensive scientific sampling and analysis. It is likely that technical assistance would be required in the information gathering process.

We recommend that the Government provide guidance on how Council might account for all sources of contaminants in practice.

4.0 NATIONAL OBJECTIVE FRAMEWORK

In principle we support the concept of a National Objective Framework (NOF). We consider that the adoption of a NOF based on a same set of values and associated attributes set out in the NPS-FM will provide national guidance and improve consistency between the different Councils in setting freshwater objectives.

However, we consider that the proposed amendments relating to the NOF fail to adequately recognise animal welfare and drinking water concerns. In addition, we have concerns about the process proposed for identifying and making decision on values for individual catchments. This is elaborated on below.

4.1 DRINKING WATER

We consider that drinking water (both human and animal drinking water) should be recognised and included under the NPS-FM as a compulsory national value, along with ecosystem and human health (secondary contact recreation). This is consistent with the statutory provisions under section 14(3)(b) of the RMA, in which the reasonable needs of municipal water supply and animal drinking water is explicitly provided for.

It is important that any amendment made to the NPS-FM takes into account animal welfare issues. A consistently available supply of drinking water is essential for the welfare of farmed poultry. The poultry industry has confirmed that a supply rate of 0.3L per bird per day is the minimum amount of water required to keep poultry alive.

We therefore recommend that a sub-point is added under Objective A1 as follows:

To safeguard:

- a. the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, of fresh water;*
- b. the health of people and communities as affected by their secondary contact with fresh water; ~~and~~*

- c. **the availability of human and animal drinking water; and**
d. *[Te Mana o te Wai]*
in sustainably managing the use and development of land, and of discharges of contaminants.

In general we agree with the requirement for Council to consider the matters set out in Policy CA1(f) when developing objectives and identifying values for each freshwater management unit. In particular, we support the intention of Policy CA1(f)(v) which requires the consideration of any economic and investment implications for resource users. This is considered appropriate and we recommend the retention of this policy.

We also recommend that the Government specifies animal drinking water as being a priority take, particularly during periods of low flows and water levels, or in situations where catchments are over-allocated and water take consents are being renewed. This will ensure that farmed poultry can be kept alive during drought periods as long as only the minimum amount of water required for welfare reasons is abstracted.

4.2 COLLABORATIVE PROCESS

While we support the adoption of a NOF which aims to support community involvement and to better reflect local objectives for individual catchments, we have concerns regarding the collaborative planning process proposed for decision-making, particularly if only limited rights of appeal to the Environment Court are provided.

We are concerned that restricting appeal rights will result in unsatisfactory outcomes, including those which may have significant impacts on the poultry industry and other rural based activities.

It is not uncommon for councils to make unsatisfactory decisions on many aspects of their policy statements and plans (or in this case, the development of freshwater objectives and identification of values under the NOF). Based on our experience, such decisions usually relate to details of a policy, rule or definition that can have significant impacts on the industry. In most cases, appeals are worked through and resolved by way of mediation and negotiation. Only occasionally are cases required to proceed to a full hearing.

While we support the focus on community and stakeholder participation in developing objectives and identifying values for individual catchment under the NOF, we are concerned about the amount of time, money and resources that would be required from all parties in order to reach consensus. Water quality and quantity issues are often contentious and highly contestable. It is likely that technical assistance would be required to assist policy formation. It is also likely that a lot of time could be spent debating the issues without achieving much of a substantive outcome. In effect, consensus is unlikely to be reached for all matters. Even if consensus is reached it does not necessarily mean that the best outcome is achieved, rather it could just be a compromised position being agreed upon.

We consider that the existing appeal rights to the Environment Court provide opportunities for significant improvements to the quality of policy statements and plans through credible and transparent processes, and therefore should be retained.

5.0 SUMMARY

As outlined above, we seek the following on behalf of PIANZ and EPFNZ:

1. Support the requirement for Council to establish and operate a water quantity accounting system and to account for all water takes;
2. Provide guidance on how Council might account for all sources of contaminants in practice;
3. Request that the implementation of the accounting systems does not impose any unreasonable burden or undue restriction on resource users;
4. Request the opportunity to review and provide comments on any guidelines the Government may produce on the implementation of the accounting systems;
5. Recognise and include drinking water (both human and animal drinking water) under the NPS-FM as a compulsory national value in the NOF;
6. Add a sub-point under Objective A1 as follows:

To safeguard:

- a. *the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, of fresh water;*
 - b. *the health of people and communities as affected by their secondary contact with fresh water; and*
 - c. **the availability of human and animal drinking water; and**
 - d. *[Te Mana o te Wai]*
in sustainably managing the use and development of land, and of discharges of contaminants.
7. Retain Policy CA1(f)(v) which requires the consideration of any economic and investment implications for resource users;
 8. Specify that animal water drinking takes is a priority take; and
 9. Retain the right to appeal Council plan decisions made through the collaborative process.

We trust that the above comments provide useful feedback for the development of the notified version of the NPS-FM and any related policies/guidelines. We look forward to further communication with the MfE on the matters discussed.

Yours faithfully
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