

Submission on Exposure Draft of the Natural and Built Environments Bill



To: Committee Secretariat
Environment Committee
Parliament Buildings
Wellington
en@parliament.govt.nz

Submitter: Irrigation New Zealand Incorporated
Name: Vanessa Winning
Position: Chief Executive Officer
Email: vwinning@irrigationnz.co.nz
Phone: 04 595 6849 (office) 027 274 1291 (mobile)

This is a submission on behalf of Irrigation New Zealand Incorporated (**IrrigationNZ**) on the Exposure Draft of the Natural and Built Environments Bill (**the Exposure Draft**).

About IrrigationNZ

Irrigation New Zealand represents over 3,800 members nationally, including irrigation schemes, individual irrigators, and the irrigation service sector. Our irrigator members include a wide range of farmers and growers – sheep and beef, dairy and cropping farmers, horticulturalists, and winegrowers, as well as sports and recreational facilities and councils. We also represent over 120 irrigation service industries – manufacturers, distributors, irrigation design and install companies, and irrigation decision support services.

We are a voluntary-membership, not-for-profit organisation whose mission is to create an environment for the responsible use of water for food and fibre production for local and international consumers and to sustain the wellbeing of communities.

As an organisation we actively promote best practice irrigation and carry out a range of training and education activities. Over the last five years we have trained over 3,000 irrigators on different aspects of irrigation best practice to improve water use efficiency (lowering consumption) and better manage environmental effects (improved soil moisture management).

IrrigationNZ members share many of the same goals as other New Zealanders:

- to reduce their environmental footprints and see improvements in the health of the natural environment
- to contribute to the wellbeing of their communities
- to provide for a sustainable future for New Zealand.

IrrigationNZ appreciates the opportunity to submit on the Exposure Draft.



Achieving Environmental outcomes

IrrigationNZ considers a more holistic approach to water storage and infrastructure planning is required, whereby planning processes enable rather than inhibit strategic, effective and efficient capture and distribution of water where and when it is needed and where it has the least impact on the environment or improves current environmental outcomes.

In this regard, IrrigationNZ supports the shift towards positive and directive planning for outcomes, rather than reactive planning focussed on managing adverse effects. Critical to the success of this approach is the identification of water access and security outcomes and clear direction as to their delivery.

In relation to section 8 of the Exposure Draft, IrrigationNZ particularly supports the identification and promotion of the environmental outcomes proposed for rural areas, to pursue development that –

- enables a range of economic, social and cultural activities;
- contributes to the development of adaptable and economically resilient communities; and
- promotes protection of highly productive land from inappropriate subdivision, use and development (section 8(m)).

IrrigationNZ is concerned that there is limited use of 'farming' or 'productive land use' within the draft generally and worry that the lack of commentary to how approaches to land use will be defined needs to be more explicitly laid out or at minimum acknowledge that the Natural environment (i.e. includes soils, the atmosphere and water) is needed to produce food and fibre

IrrigationNZ believes in relation to point 3 it will be necessary to establish a clear framework for identification of highly productive land and interpretation in future planning framework instruments, such as discussed in the proposed National Policy Statement for Highly Productive Land (NPS-HPL). The determination of highly productive land incorporates a number of factors beyond the Land-Use Capability (LUC) system in particular the criticality of proximity and access to reliable water.

Given the significant role of the rural sector in delivering economic and social benefits to New Zealand, including essential food and fibre production and employment, it is appropriate that specific outcomes for rural areas are identified, and that these are enabling of development, diversification and adaptation. Strategic outcomes will need to specifically acknowledge and enable rural land use activities that deliver on our local consumers' need for food and fibre as well as making contributions to international consumers.

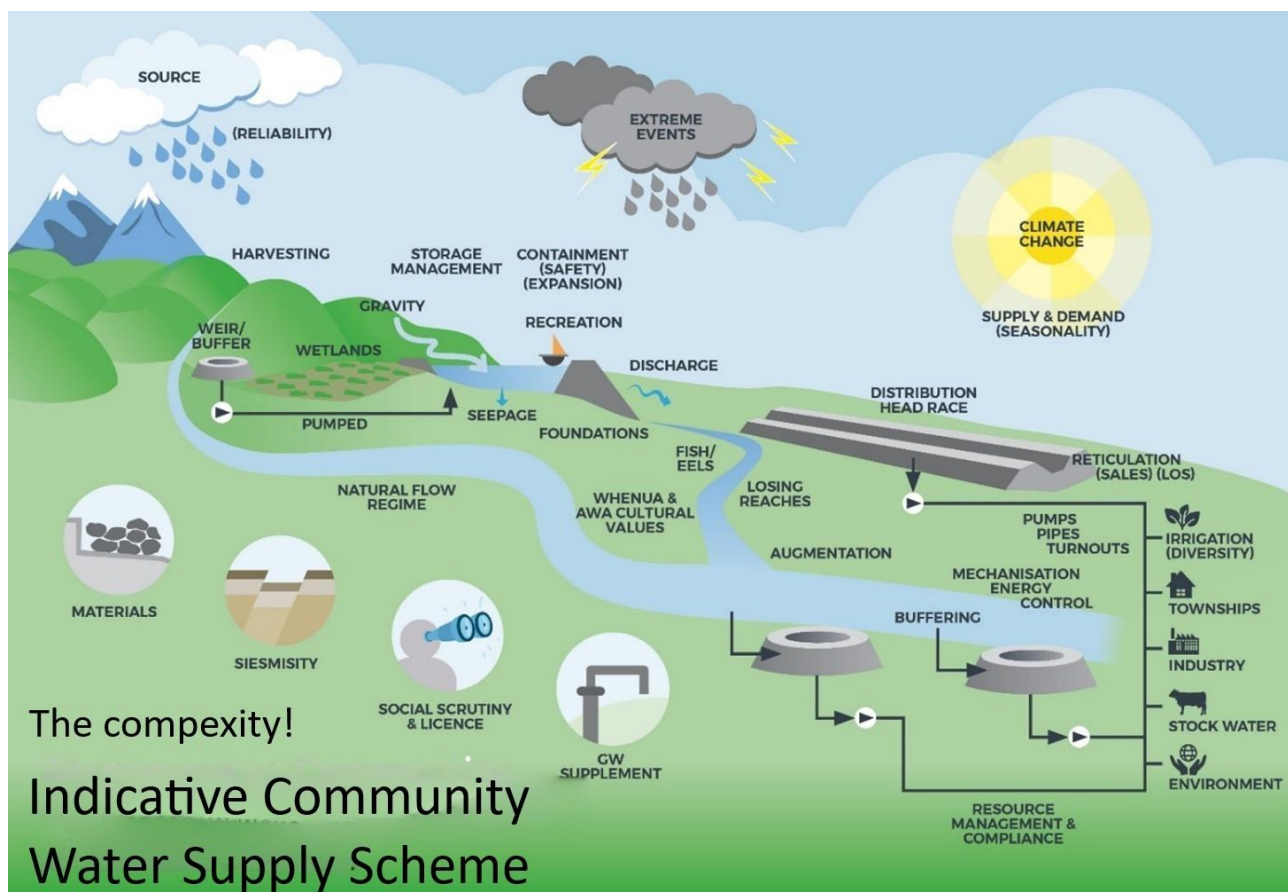
Development of water storage and supply infrastructure will be critical not only to supporting activity within the rural sector, but also to achieving outcomes for the natural environment, particularly through improved freshwater management, and supporting climate change adaptation.



IrrigationNZ also supports the inclusion of outcomes for infrastructure and climate change, but seeks more explicit recognition of the need for climate change adaptation across multiple community uses, as follows:

- the ongoing provision of infrastructure services to support the well-being of people and communities, including by supporting-
 - (i) the use of land for economic, social and cultural activities;
 - (ii) an increase in the generation, storage, transmission and use of renewable energy; and
 - (iii) development of water storage and distribution infrastructure that supports climate change adaptation for human drinking water security and food and fibre production.

- in relation to natural hazards and climate change,-
 - (i) the significance risks of both are reduced;
 - (ii) the resilience of the environment to natural hazards and the effects of climate change is improved; and
 - (iii) development that supports climate change adaptation is promoted such as water storage infrastructure that has a function in flood and sediment management.



Addressing outcomes in the National Planning Framework

Identification of mandatory outcomes to be addressed in the National Planning Framework

Provisions for a National Planning Framework (**NPF**) identify topics that the national planning framework must include. The Parliamentary Paper explains that the mandatory topics are intended to prioritise matters that are critical to achieving the NBA's purpose, and matters for which timely direction is most needed to support timely development of Regional Spatial Strategies and NBA Plans.

The Exposure Draft does not contain any such explanation. There is potential that identification of only some outcomes as mandatory in the NPF creates a hierarchy within the outcomes, either because of the identification of some outcomes as mandatory, or as a result of more directive national policy being provided for the achievement of those outcomes.

IrrigationNZ supports an amendment to require that all environmental outcomes be addressed in the NPF. Alternatively, amendments could clarify that the identification of mandatory NPF environmental outcomes does not establish a hierarchy or priority of those outcomes.



Resolving conflicts between outcomes

Direction on the resolution of conflicts between the environmental outcomes will be critical to the implementation of the NBA's outcomes focussed approach, and is a key component of the NPF. IrrigationNZ is concerned that identification of only some outcomes for mandatory inclusion in the NPF will also result in a failure to appropriately address conflicts between NPF mandatory and non-mandatory environmental outcomes.

If the NPF is required to address only some outcomes, IrrigationNZ seeks amendment to the NBA to require that in addressing mandatory outcomes the NPF, the Minister must also address conflicts between those mandatory outcomes and all of the non-mandatory outcomes.

Precautionary approach

The Exposure Draft includes a definition of the precautionary approach, and specific sections prescribing:

- In setting environmental limits, the Minister must apply a precautionary approach (section 16);
- When making decisions on a plan, a planning committee must apply the precautionary approach (section 24(3)); and
- The precautionary approach as an implementation principle (section 18(g)).

The proposal for specific sections requiring application of the precautionary approach will elevate its application above other implementation principles. IrrigationNZ considers that direction for adoption of a precautionary approach should sit within the implementation principles only, as proposed in the Review Panel's report.

The proposed drafting also makes application of the precautionary approach compulsory, without qualification. IrrigationNZ is concerned that this will result in a requirement for, or greater application of, precautionary measures without sufficient regard to the merits of their application. In deciding whether to implement a precautionary approach, consideration should be given to factors including the degree of seriousness and irreversibility of the threat / harm, and the degree of scientific uncertainty, and the need to apply a reasonable balance between the costs, including economic and social costs, of applying precautionary measures and the seriousness, irreversibility and risk of the threats / harm.

IrrigationNZ seeks amendments to the NBA to clarify that the direction is for application of the precautionary approach as appropriate in the circumstances. This could be achieved through amendments to the definition of precautionary approach, or the implementation principle relating to application of the precautionary approach.



Natural and built environment plans

IrrigationNZ supports the consolidation of plans to provide for a more efficient process, with better quality plans and reduced duplication of effort. However, IrrigationNZ has concerns about the extent to which the NBA will support collaborative planning and an appropriate level of local stakeholder input, particularly in relation to freshwater management.

The Exposure Draft proposes that there is a plan for each region, and that plans are made by a joint planning committee. The Exposure Draft indicates that each planning committee will be comprised of a representative of the Minister of Conservation, mana whenua representatives and one person nominated by each local authority. The process for establishment of plans is yet to be provided, however the identification of the make-up of the joint committee suggests more limited local input.

A feature of recent freshwater planning processes has been utilisation of collaborative processes, which have enabled stakeholder participation to identify and plan for positive outcomes. IrrigationNZ considers that this process is aligned with the NBA approach of positive planning for outcomes and efficiency through early engagement. Accordingly, IrrigationNZ seeks that provision be made in the full Bill to enable collaborative planning and stakeholder involvement in joint planning committees' development of the new plans and ensuring work to date is considered and incorporated.

System efficiency and effectiveness

IrrigationNZ makes the following comments in respect of system efficiency and effectiveness:

- 1 A current impediment to efficient and effective planning is technical capability and capacity constraints. While use of a joint planning committee has potential to make more effective use of the capability and capacity that is available, IrrigationNZ urges that particular consideration be given to how this is to be resourced by the joint planning committee, and supports greater central government resourcing, either directly or through provision of tools, platforms and templates.
- 2 IrrigationNZ supports provision of centralised digital tools and platforms, including national data sets. In particular, IrrigationNZ supports investment in high resolution nationwide land and climate information, and tools to support monitoring and management of activities to achieve identified environmental outcomes.
- 3 IrrigationNZ and its members have made significant contributions to the development and implementation of several regulatory instruments that we believe are largely functional and effective giving our members a degree of certainty in their planning decisions. IrrigationNZ would like to see specifically the Water Measurement Regulations, the Dam Safety Regulations and the nutrient management software OVERSEER® built upon and refined within the NPF.
- 4 IrrigationNZ and its members have committed considerable resources to participation in planning processes to respond to freshwater policy, and anticipate that this will continue while the NBA progresses through the legislative process and the NPF is set. It is concerning that this effort may then need to be duplicated through a subsequent NBA Plan processes. IrrigationNZ seeks that particular consideration and direction is given to how recent work can be efficiently incorporated or updated to align with the new NBA requirements.
- 5 While development of one plan for a region is likely to be more efficient, large planning processes have typically been very labour and cost intensive, posing a challenge to participation by individuals and smaller entities. IrrigationNZ supports measures that facilitate efficient public participation in these processes, including provision of support to submitters.
- 6 IrrigationNZ believes a mechanism that allows minor amendments to smaller sections within a large single plan will be necessary to incorporate innovation and new knowledge in a timely manner within a potential single plan review timeline.
- 7 Irrigation NZ supports the range of measures proposed in the Parliamentary Paper to speed up the delivery of infrastructure, again noting the importance of water storage and supply infrastructure to achieving a range of outcomes promoted in the Exposure Draft.



Summary

IrrigationNZ is pleased to see progress on the RMA reform and that the majority of the Randerson Report has been considered. We are concerned about definitions and the apparent lack of clarity for the rural community and an understating of the significance of natural resources for food and fibre use to meet consumer demand. IrrigationNZ would support a clearly defined outcome strategy to improve decision making from a whole of community perspective. Clarity will give certainty.

IrrigationNZ is also concerned about ensuring the linkages between climate change resilience and climate change mitigation are considered – water is essential for many community uses, not just for land use and future land use change, but also to support safe and reliable drinking water along with renewable electricity generation.

How the NPF will incorporate a strategic approach to productive water, environmental water, drinking water and generation infrastructure is still not clear with only one of the three pieces of legislation provided

IrrigationNZ believe strongly that a multi-use outcome approach is needed for water management and infrastructure strategies that incorporate multiple community benefits.

