

Irrigation New Zealand submission on He Ārahitanga mō Te Anga Whāinga ā-Motu o te NPS-FM / Guidance on the National Objectives Framework of the NPS-FM; Published: 29 July 2022

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Address to:

Freshwater team

Ministry for the Environment

Submitted online at: freshwater@mfe.govt.nz

Please find below the Irrigation New Zealand (IrrigationNZ) submission to MFE on He Ārahitanga mō Te Anga Whāinga ā-Motu o te NPS-FM / Guidance on the National Objectives Framework of the NPS-FM; Published: 29 July 2022. Document reference: MFE 1658

We would appreciate the opportunity to discuss the responses in our submission or to provide additional information.

Please, direct any inquiries to:

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About IrrigationNZ

IrrigationNZ represents over 3,800 members nationally, including irrigation schemes, individual irrigators, and the irrigation service sector across all regions of New Zealand.

Our irrigator members include a wide range of farmers and growers – sheep and beef, dairy and cropping farmers, horticulturalists, winegrowers, as well as sports and recreational facilities and councils. We also represent over 120 irrigation service industry members – manufacturers, distributors, irrigation design and install companies, and irrigation decision support services for both freshwater and effluent irrigation.

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 take a technical leadership role in promoting best practice irrigation and carry out a range of training and education activities associated with freshwater management. Over the last five years, we have trained over 3,000 irrigators on various aspects of irrigation best practices to improve water use efficiency (lowering consumption) and better manage environmental effects (improved soil moisture and surface water management).

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

- Reduce their environmental footprints and see improvements in the health of the natural environment,
- Contribute to the wellbeing of their communities, and
- Provide for a resilient future for New Zealand in the face of climate change.

IrrigationNZ General Statements

IrrigationNZ thanks the Ministry for the Environment for the opportunity to submit on the Guidance on the National Objectives Framework of the NPS-FM.

IrrigationNZ understands the focus of NOF guidance is to assist Regional Councils to implement and support the intent of the National Policy Statement for Freshwater Management 2020 (NPS-FM). A sound NPS-FM and NOF is undoubtedly necessary to combat the current and future impacts of climate change for environmental, economic, and community wellbeing including managing water availability across New Zealand's food and fibre producing sector.

Our main points of contention are as follows:

- The large-scale implementation of 'freshwater planning instruments' have in common an indifference to the water needs of primary industries, such as horticultural or agricultural production. These instruments largely focus on water quantity/quality as it relates to climate change, indigenous biodiversity, and areas of high natural character. While these considerations are undoubtedly important, there are ambiguous or at worst disparaging mentions of primary industries within 'freshwater planning instruments'. There are conflicting and confusing government communications such as through the National Climate Risk Analysis of 2020 and the National Adaptation Plan that refer to the need for considering issues beyond biodiversity in planning for resilient communities and productive infrastructure.
- The Ministry for the Environment's (MfE) recently announced National Policy Statement on Highly Productive Land 2022 (NPS-HPL) comes into tension with the purpose of the NPS-FM and NOF. The conflicting objectives will undoubtedly have a serious impact on water quantity and quality available for agricultural and horticultural activities to achieve the potential of our highly productive land.
- The importance of water storage and attenuation is far too understated and there is a lack of coordination across the many government department initiatives related to freshwater management. It is important that the national water availability and security strategy that is underway within MPI is given consideration when determining environmental policies to ensure that primary producers get sufficient access to water to achieve the objectives of our land use policies such as the NPS-HL and government supported trade initiatives such as the 2023 Horticultural Action Plan.

Feedback

The core target of the NOF guidance appears to be Regional Councils looking for help in delivering on the requirements set out in the NPS-FM, clause by clause stating the policy intent and suggesting what a Region should do within their planning instruments.

The feedback form pretty much asks if the format was easy to read, its is, and if there are any gaps, there are a few. We acknowledge this feedback opportunity is not about revisiting the NPS or NOF settings themselves.

However, in our experience, for a Regional Council staff member time pressured in producing a new consent the NOF Guidance could default to be considered the rule book without having to go back to the Regs or Acts.

Therefore, the Guidance needs to be consistent with the Acts and Regulations and without introducing bias or new aspects that have not had the benefit of prior community input.

In our opinion, unfortunately, there is an unhelpful negative undertone to the NOF guidance, along with other environmental policies and regulations, in reference to agricultural use of water resources. There is virtually no reference to any other form of land use impact from human activity other than farming. Urban sprawl and municipal sewerage discharges for example are basically untouched. There is a single use of the word wastewater in relation to the urban environment on page 76.

The missing balance is that the "community view" on water availability and security for producing food with water is not mentioned as an objective of managing our natural resources. Irrigation is glossed over or outright disapproved of.

Taking this negatively weighted view of water for food production, the requirements of the NOF will see constraining limits set for at least 10 years with an encouragement in the guide for Regional Councils to take an even longer view on locking things down. That approach will place communities, social fabric and the economy at risk.

Specific sections

- The NPS FM directive is clear, that communities must be involved in setting environmental objectives and cannot be dismissed in favour of solely a Council/iwi partnerships. IrrigationNZ believes some Regional Councils already have this critically wrong, saying publicly that only the Regional Council and iwi will set the FMU objectives and all other people "in communities" are stakeholders on the outside of the two-way partnership; the importance of the NOF Guidance in clarifying the regulations is critical.

We recommend highlighting that this collaborative process means "and" communities not just a two entity planning process.

- Page 35 Clause 3.3: Long-term visions for freshwater - Policy intent.
*Councils must develop their vision through engagement with communities **and** the active involvement of tangata whenua. Councils should give enough information for tangata*

whenua and communities to understand what will be an 'ambitious but reasonable' vision for the FMU, and an appropriate timeframe. An understanding of the current state of the water bodies and the pressures on them will inform this. An understanding of the history of a water body can inform what is possible for the future.

Councils must set out whether the FMU can currently provide for its vision, or whether improvements are required. This indicates at a high level if there is over-allocation and when it will be addressed.

(c) identify a timeframe to achieve those goals that is both ambitious and reasonable (for example, 30 years after the commencement date).

- Timing, sequence and hierarchy of planning tools is important, and we are seeing a head long rush in setting limits without the adequate clarification of the frameworks or policy balance to support food production as a valid use of natural resources.

The guide specifically steers Regional Councils to be less flexible than we believe the current policies actually set out and this wording should be reviewed.

- Page 65 onwards Clause 3.14: Setting limits on resource use - Policy intent

Limit setting is one of the last steps in the NOF process. It must be done well for the instream TASs and concentrations to jointly achieve the environmental outcomes.

This step has proven to be complex and difficult. A robust set of regulatory limits will control cumulative effects, because they clearly set out when and how to stop allocating or using the resource. They also clarify how much resource use to reduce in over-allocated catchments, to achieve the sustainable amount of resource use that will meet water body outcomes.

Although the NPS-FM gives councils flexibility in limit setting, the NPS-FM framework provides guiding principles.

- *In some places, limits have favoured the status quo land use, and the control methods gave resource users a high degree of flexibility and certainty. Te Mana o te Wai requires that certainty is now given to the water body. Councils should favour limits and tools most likely to achieve outcomes, particularly for at-risk or highly sensitive water bodies. This will likely result in less flexible approaches for resource users.*

- The NOF guide uses language that encourages restrictive actions and adopting timeframes and changes in land use practices that are still subject to submissions on the enabling Acts, and steps into redefining what good farming practices are.

The suggestion that ten years gives certainty is naive at best. The two quotes highlighted from page 95 suggest the author(s) are particularly concerning and introduce a bias that is unsubstantiated.

We are particularly concerned for instance that telling irrigators that their access to water is temporary will not help with providing confidence to invest in long term water storage assets and land use change that other government policies are encouraging.

Further, ten years is insufficient for effective infrastructure development, e.g. many crops don't produce their first full yield for several years.

- Page 95 Suggestions for councils and communities
 - *Align consent expiry dates so they can be reviewed at the same time.*
 - *Build climate resilience into take limits, flows and levels, especially for farming areas with lower takes. Councils can give direction and assistance, such as relying less on irrigation, or storing water where droughts will become more common, and consent holders will be affected more often. However, resilience is best achieved by informing permit holders that their permit is not permanent and will be reviewed, and that there will be more suspensions due to more instances of increased low flow.*
 - *Think about the implications of consent timeframes and whether to align with national and regional planning frameworks. For example, 10-year consents align with plan timeframes while giving resource users enough certainty to make investment decisions, but not too long (30 years) to be able to adjust water takes or reconsider allocations.*

This submission highlights the importance of sensible freshwater management for agricultural and horticultural use.

We are available for further consultation on these issues, so please do not hesitate to reach out. Our Principal Technical Advisor Stephen McNally's email contact is smcnally@irrigationnz.co.nz.