



SUBMISSION: DISCUSSION DOCUMENT -

Proposed amendments to the NPS for Freshwater management 2011

Date: 04/02/14
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A handwritten signature in black ink, appearing to read "Andrew Curtis", with a long horizontal stroke extending to the right.

(Andrew Curtis, CEO IrrigationNZ)

IrrigationNZ is happy to provide further comment as required.

OVERVIEW

1. IrrigationNZ (INZ) is a national body that promotes excellence in irrigation. INZ represents the interests of over 3,600 irrigators (irrigation schemes and individual irrigators) totaling over 350,000ha of irrigation (approximately 60% of NZ's irrigated area). It also represents the interests of the majority of irrigation service providers (over 140 researchers, suppliers, designers installers and consultants).
2. All INZ members businesses are founded on secure, on-going access to a reliable water supply for irrigation - they need certainty to enable investment and thus continually improve their productivity and resource use efficiency. Without certainty they and the considerable flow on benefits to regional economies, particularly in eastern regions, would be severely impacted. The national economy would also be significantly impacted upon given that NZ is predominantly an agricultural export based economy.
3. INZ actively engages with its members on planning issues, proactively facilitating a wider understanding of the relevant issues by all.

SUBMISSION

4. INZ generally welcomes the amendments to the National Policy Statement for Freshwater Management (NPS-FM) 2011. INZ is committed to working with government in the further development, and importantly the implementation of them.

Question	Comments	Suggestions
<p>1. Have we correctly identified the problems currently associated with implementing the NPS-FM?</p>	<p>In general yes however -</p> <p>a. It is important that primary sector values are not purely limited to economic ones. For the majority of provincial NZ, primary sector values underpin the social fabric of communities. This needs to be recognised and accounted for in the values process.</p> <p>b. One of the major issues with the NPS-FM is its practical implementation. The science associated with setting limits, particularly for water quality is complex, often incomplete and thus subject to multiple assumptions. Translating these limits down to the enterprise level is often even more so. A prime example of this is the uncertainty created by the 'ever-changing' limit setting process in the Selwyn-Te Waihora zone, Canterbury. INZ agrees that doing nothing in such scenarios is not an option. However reactive decision making when cause and effect are not fully understood at the micro-scale, creates much economic risk and uncertainty which then detracts from future investment. NZ needs to create a policy framework that, where required, initiates change overtime but in a manner that does not create perverse outcomes or foreclose future opportunity. For example, the current enterprise level 'nitrate numbers game' is creating outcomes driven by the strengths and weaknesses of the tools (model) being used and not the full range of solutions available.</p>	<p>Retain the values for Mahi māra (Cultivation) and Au Putea (Commercial and industrial use & Irrigation).</p> <p>Either add a value recognising the connection of primary production to the social fabric of communities or alternatively, include this aspect within the current economic values</p>

2. Do you agree that amending the NPS-FM would solve the problems identified in section 2?	Yes. However these must also be accompanied by the proposed changes to Schedule 1 of the RMA – collaborative decision making.	The collaborative decision making alternative to Schedule 1 needs to be progressed.
3. If not, would additional guidance be sufficient to solve the problems identified?	Additional guidance will also undoubtedly be necessary, particularly with regard to the implementation of limits (where necessary) at the enterprise level (see answer to question 1.)	Identify and prioritise additional guidance
4. Is there another solution to the problems? Why would that be preferable?	No. The proposed solution is the best approach as it provides a solid foundation to provide for community values.	Retain the proposed solution
5. Do you agree with requiring councils to account for all water takes?	Yes. INZ agrees with and actively supports the implementation of water measurement	Whilst modelling is applicable in some catchments for small takes, where limits have been reached and there is much future competition between uses, a water measurement regime should be implemented regardless of size of take.
6. Do you agree with requiring councils to account for all sources of contaminants?	Yes. This is an essential first step to the planning process and should be required before a limit is set. Understanding cause and effect is key so the implications of a communities choices can be properly understood. Also without this there is a significant risk limits will have to be revisited.	Require all councils to establish an accounting system prior to the values, objectives and limit setting process.
7. Do you think that the requirements in policies CC1 and CC2 have the right balance between national prescription and regional flexibility?	Yes. However, for its implementation there needs to be a national accounting system developed (a partnership between government and regional councils) that can then be adopted by all the regions. For too long individual regions have been allowed to create 'variations upon a theme' at the rate payer's expense. Driving cost-efficiencies is now key as the compliance burden will undoubtedly increase with the new accounting requirements.	Consider giving effect to a common national accounting framework. Note this refers to the data recording and management systems and not the attributes themselves (these would be catchment specific depending upon issues / opportunities).

8. 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 already undergoing plan changes with significant economic and social implications – Canterbury is a prime example of this. The requirement should therefore be immediate.	Amend Policy CC1 to take effect immediately.
9. Should there be a national set of values as outlined in appendix 1 of the proposed NPS-FM?	Yes.	Retain Appendix 1 with the addition from 1 above.
10. 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.	
11. Are there any values that should be deleted from appendix 1 of the proposed NPS-FM and why?	No.	
12. Do you agree with the descriptions of the national values in appendix 1 of the proposed NPS-FM?	Yes.	Make an amendment to the economic values as detailed in 1. Above.
13. Do you agree with the attributes associated with the values in appendix 2 of the proposed NPS-FM?	Yes.	Retain the attributes proposed.

14. Do you agree with the numeric attribute states in appendix 2 of the proposed NPS-FM?	Yes	Retain the numeric attribute states proposed.
15. Do you agree with the narrative attribute states in appendix 2 of the proposed NPS-FM?	Yes	Retain the narratives proposed.
16. 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?	<p>Yes. There are however biotic indicators such MCI that should also be included as attributes. Such indicators are a true reflection of what is occurring in the environment and thus are important indicators of 'ecosystem health'.</p> <p>Unfortunately it will not be possible to set blanket 'national bottom-lines' for MCI without further refinement for specific environments, permanently flowing versus ephemeral versus intermittent streams for example.</p> <p>INZ considers it would beneficial to include MCI within the attributes set from the outset, particularly as MCI is already frequently used in regional council SoE reporting. The national bottom-lines scores for MCI should then be developed over time with further science and subsequent community consultation before their inclusion.</p>	Retain the national objectives framework as proposed and consider the addition of MCI as a 'to be defined' attribute.
17. Or should the Government delay putting the NOF into place until a more comprehensive set of attributes has been developed?	No.	Retain the national objectives framework as proposed.

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

23. Are there any aspects of the process that are not clear?	Yes. See exemptions.	
24. Do you agree that ecosystem health should be a compulsory value?	Yes.	Retain ecosystem health and human health for secondary contact recreation as the primary and compulsory values.
25. Do you agree that human health for secondary contact recreation (such as boating and wading) should be a compulsory value?	Yes.	Retain ecosystem health and human health for secondary contact recreation as the primary and compulsory values.
26. 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.
27. Should there be numeric bottom lines for attributes of the compulsory values?	Yes.	Retain numeric values of the compulsory values.
28. 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.	Retain transitional arrangements to allow councils and communities to set objectives below a bottom line for a short-time.

<p>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?</p>	<p>Yes.</p>	<p>Retain the proposed levels for bottom lines.</p>
<p>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?</p>	<p>Yes.</p>	<p>Retain the proposed levels for bottom lines.</p>
<p>31. 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?</p>	<p>Yes. There will be exceptions where the freshwater management unit is breached by the natural state or natural biotic pressures. For example a lake which is subject to extreme periodic waterfowl pressure (moulting for example) or a river with a breeding bird colony will likely exceed some of the chemical or E.Coli bottom-lines from time to time. Lake Hatuma in Central Hawke's Bay or the Kakanui river in Otago for examples. These must be allowed for. Also there are issues where introduced species are now unable to be eradicated (have become naturalised) and create poor water quality / ecosystem health issues as a result. Carp in shallow lakes are an example of this.</p>	<p>Retain Policy CA2 a.</p>

<p>32. 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?</p>	<p>Yes. In reality such examples will be few and far between for rivers and streams. A disused mine or its tailings may create such a scenario, as has happened commonly internationally. However, for a number of NZ lakes historical land clearance and subsequent natural events have resulted in massive sediment influx. For iconic NZ lakes investment may be forthcoming however in reality the cost of intervention may not be feasible everywhere.</p> <p>Please note historic activities do not include poorly maintained or inadequate urban sewage and/or stormwater systems.</p>	<p>Retain Policy CA2 b.</p> <p>Clearly define historic activities so they cannot be used as an excuse for deferring investment.</p>
<p>33. 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?</p>	<p>Yes. Dams and drainage schemes fundamentally change the nature of a surface water body. On their own they may not detract from achieving a numeric or narrative bottom-line. However when placed in combination with the surrounding land use and the opportunity cost (in terms of existing land-use achieving Good Management Practice), the cost of achieving the bottom-line may be inhibitive.</p> <p>However INZ considers the exemption should not be in perpetuity. The exemption should be revisited in terms of technological, infrastructure adaption or management advances over regular time intervals.</p> <p>Please note significant infrastructure does not include poorly maintained or inadequate urban sewage and/or stormwater systems.</p>	<p>Retain Policy CA2 b.</p> <p>Clearly define significant infrastructure so it cannot be used as an excuse for deferred investment.</p>

<p>34. Do you agree that freshwater management units eligible under the first two exceptions above should be decided by regional councils?</p>	<p>No. All exemptions should be decided by the Minister for the Environment. Regional Councils should make a recommendation to the Minister and the Minister then make the decision to grant exemption or not. The Minister should also have the power to request more information or engage expertise as required. This will help avoid the likelihood of capture.</p>	
<p>35. 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?</p>	<p>Yes. See comment above.</p>	
<p>Additional comment</p>	<p>INZ does not understand why there is a need for policy CA3 and Appendix 4? If there is a justifiable reason (note amendments below) for an exception it will be listed in appendix 3. If a transitional period is required then this is already covered through setting interim targets in order to achieve the end limit which meets a national bottom-line.</p>	<p>Delete policy CA3 and Appendix 4</p>
<p>36. What should the criteria be for allowing exceptions based on significant existing infrastructure?</p>	<p>Significant infrastructure criteria should first assess whether the nature of the surface water body has fundamentally been changed due to the addition of long-term capital assets (drainage schemes, hydro-electricity and irrigation storage and distribution systems) and then what impact/limitations such assets create on the surrounding land uses mitigation options. The exemptions process for significant infrastructure should be rigorous and undertake a detailed cost benefit analysis. This will avoid it being used as an excuse for deferring investment</p>	<p>Add clearer criteria for significant infrastructure</p>

<p>37. Do you think the proposed NPS-FM adequately provides for Te Mana o te Wai?</p>	<p>Iwi have rights and interests in freshwater. However other New Zealanders also have existing rights and interests in freshwater. It is important these should not be over looked. Addressing iwi rights and interests should follow the appropriate process for addressing historical grievance. Changes to the RMA are not appropriate until water issues have been worked through in a holistic manner between iwi and the crown.</p> <p>Importantly it is only 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.</p>	<p>Retain the proposed NPS-FM amendments as notified, apart from amendments sought in this submission.</p>
<p>38. Do you agree with the way tāngata whenua values are described in proposed appendix 1 of the NPS-FM?</p>	<p>INZ is unable to comment on tangata whenua rights and interests values as described.</p>	
<p>39. 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>	<p>Three national values are described in Appendix 1 that contribute directly to Te Mana o te Wai. The first two are compulsory national values (health of water and health of people) that INZ have sought to retain. The third is 'Te Hauora o te Taiao (the health and mauri of the environment). INZ notes 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, INZ does not consider this third value should be automatically elevated to the same status as the other two compulsory values without identifying a far tighter set of national descriptors into Objective A1. Therefore if this additional value is to be elevated to compulsory status INZ does not support retention of Te Mana o te Wai in Objective A1.</p>	<p>Either clarify that Te Hauora o te Taiao does not have the same status as the other two compulsory national values or delete Te Mana o te Wai from Objective A1.</p>

40. Do you agree with the new section in the NPS-FM requiring monitoring plans? If not, why not?	Yes.	Retain the new section.
41. Is there anything else you would like to tell us about the issues and proposals in this document?	No.	