



Freshwater Submission  
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## Submission on the Essential Freshwater Package

1. The Hurunui District Council thanks the Ministry for the Environment for the opportunity to comment on the Essential Freshwater Package. As a District reliant on primary production these proposals have a significant impact on our District as a whole and a particularly onerous impact on many of our farming community. This submission is prepared considering the specific interest and relevance of the proposals to our District.
2. The Hurunui District is located in North Canterbury. We have approximately 12,500 residents and cover an area of 8,646km<sup>2</sup> of predominantly rural land. Our District spans from the east coast to the Main Divide. The Hurunui District is primarily a primary producer characterised by small service towns and vast distances to markets.
3. Freshwater is an important resource for our District. It is vital to our environmental, economic, social and cultural well-being. The Council agrees that the management of freshwater across New Zealand needs to be improved.
4. We support the development of national legislation to achieve this where local efforts are not sufficient to meet water quality outcomes. However, where progress is being made and local initiatives are working we would like to see given a fair go first.
5. Our key issues can be summarised as follows:
  - a. We need **local solutions for local problems**. As drafted, national standards are being set to solve catchment specific issues.
  - b. The analysis needs to be broader to **consider all four of the well-beings**: social, economic, environment and cultural. As drafted there is little or no consideration of the social and economic cost the proposals will have on the community.
  - c. There needs to be greater consideration of the **sector's capacity and capability to implement** the proposal. As drafted the package requires everything to be done immediately when better outcomes are likely to be achieved by doing a few things well rather than lots poorly.
  - d. The package proposes **numerous blanket regulations** regardless of the scale or cause of the issues. Despite the need to target high intensity activities the proposals are likely to have the greatest impact on low intensity land use.

### ***Te Mana o te Wai***

6. In principle the Council supports the philosophy of Te Mana o Te Wai. Water is essential for our well-being and prosperity and the Council supports the objective of the package to achieve healthy freshwater.
7. We acknowledge that over past generation the balance of priorities for water has been out. We agree however that the balance needs restoring but are mindful that the pendulum should not swing to the extreme.
8. While we support restoring the health and mauri of waterways; this shouldn't need to come at the cost of essential human health and wellbeing. We do not support the hierarchy as drafted and believe that the health of waterways and the use of water, for essential human health and wellbeing should be considered equally.

### ***Role of the community in freshwater management***

9. The Council supports setting long term visions for waterways. The Canterbury Region has largely already achieved this through the Canterbury Water Management Strategy (CWMS). The Hurunui-Waiau Water Zone Committee was the first water management committee to be established under the CWMS in July 2010. The Committee produced its Zone Implementation Programme (ZIP) in 2011. The ZIP includes recommendations on river flows and allocation, nutrient management including loads and water storage.
10. The ZIP was developed in a collaborative manner developing recommendations for water management solutions that are acceptable to a wide range of interests. These recommendations were then used by the regional council to support freshwater planning. The Council believes this collaborative bottom-up approach is invaluable.
11. Through the Zone Committee our community have been able to develop local solutions for the issues within their specific catchment. Through this process there has been robust discussion to identify a range of options that all seek to improve water quality issues. Through cost-benefit analysis farmers are able to invest in solutions that deliver the best environmental outcomes for money invested.
12. We now have a plan that the community not only value but work hard to implement. We wish to recognise that there is good work happening in our community largely driven by voluntary good will.
13. A strong regulatory approach puts this process and the current work programme under threat. It risks the gains that we have made being blunted or being lost altogether. We support national direction for freshwater management that complements the collaborative planning process and the progress Canterbury has made through this so far.
14. Through local catchment plans we can develop solutions that are fit for the ecological health of river, the environment and the whole community. The community need to remain at the heart of the freshwater planning process.

### ***Reintroduction of four well-beings and plan making***

15. With the reintroduction of the four well-beings into the Local Government Act 2002 councils will struggle to implement many of the proposals without further analysis (which may or may not support the approach taken in this proposal).
16. The Council is concerned about the lack of consideration given to the social and economic well-being of our community. Central government must work alongside the agricultural sector in a meaningful and constructive manner to gain their buy-in and support. Without this the chances of seeing significant improvements within the next five years or even within a generation are slim.

17. While we recognise the urgency required to improve water quality throughout New Zealand the timeframes specified in the NPS limit the amount of time available for Council's to run any meaningful collaborative process. Without local buy-in at the start of the process it is going to be difficult to implement such a plan.

#### **Attributes**

18. Council is supportive of requiring the rapid improvement of waterways but we do not see the benefit of including Dissolved Inorganic Nitrogen (DIN) and Dissolved Reactive Phosphorus (DRP) as national bottom lines.
19. Our key concern is whether DIN and DRP are appropriate and accurate measures of ecosystem health. Currently there seems to be insufficient science to suggest that they are appropriate bottom lines in all circumstances.
20. There are multiple stressors that influence ecosystem health including flow, temperature, sediment, nutrients and habitat. Each waterway is different and setting national standards is effectively attempting to provide a national solution to a catchment specific problem.
21. We want to see the focus remain on improving ecosystem health rather than shifting the focus to simply reducing nutrient concentrations. Further consideration is needed to determine whether ecosystem health can be achieved more efficiently and effectively through other means.

#### **Wetland, rivers and fish passage**

##### *Threatened indigenous species*

22. The Council is supportive of introducing provisions to protect indigenous freshwater fish and ecosystems. We note that the fish passage requirements are similar to those already required through the Canterbury Land and Water Regional Plan.
23. We would not support the compulsory modification of existing instream structures. This should be addressed through individual farm plans considering the overall improvements that can be made and whether this is required to meet freshwater outcomes.

##### *Wetlands*

24. The requirement to fence all wetlands unfairly penalises those who have retained and cared for the wetlands on their property to date. Some of our hill country farms have 20-50 wetlands and some over 100. Requiring farmers to fence these would be an excessive financial cost to these farmers for little environmental gain.
25. Many fenced wetlands are being completely smothered out by weeds like willows, old man's beard and blackberry. The freshwater policies fail to acknowledge that active management (often at landowners cost) is required to properly protect wetlands.
26. It would be more beneficial to work with farmers to focus on protecting the highest priority wetlands. If protection is voluntary farmers will be more likely to take action to manage weeds and continue to protect the health of the wetland.
27. Furthermore the additional requirements on protecting wetlands may have the adverse effect of discouraging people from reinstating wetlands.

##### *Exemptions for nationally significant infrastructure*

28. The Council does not support the exemptions proposed in the NES for nationally significant infrastructure. We note the government is requiring individual land owners to outlay significant cost to meet the requirements of the NES and national assets should be subject to the same requirements.

29. If nationally significant infrastructure is to be exempt we request that regionally significant infrastructure is also exempt.
30. Our District is intersected by a large network of state highways which are exempt from many of the requirements of the NES. This same state highway network discharges toxic contaminants into our stormwater networks, however local authorities are required to treat the same contaminants from their network.

#### ***Restricting further intensification***

31. This approach locks-in existing land use and rewards high intensity farming practices while restricting less intensive, more conservatively farmed properties. These provisions put in a de-facto allocation system.
32. Lower intensity farms will be penalised and lose the ability to innovate and adapt their farming systems to match the natural capital of the land. Constraining low intensity farm systems limits their ability to invest in measures that mitigate the environmental issues the package is targeting. Modelling by Local Government New Zealand which highlighted 68 percent of sheep and beef farms could be unviable under these proposals.
33. Higher intensity farms will have the most flexibility and choice in how they adapt their farming practice to meet the requirements placing an unfair burden on those who historically have had the lowest environmental footprint.
34. There needs to be some flexibility to find innovate solutions that address real world catchment-specific issues

#### ***Conversion to forestry***

35. The proposal also fails to acknowledge the risk of highly productive farmland being converted to large scale forestry. Much of our local and national economy relies on the success of our agricultural sector and this seems to have been given little consideration.
36. If farming becomes uneconomic selling the farm to act as a carbon sink might become overly attractive. While some conversion might be desirable, large scale conversion could have significant ramifications for our agriculture sector generally. This change could not only affect the livelihoods of our farmers but also the service towns that support the sector.

#### ***Farm plans***

37. The Council strongly supports the requirement to have a Freshwater Module in Farm Plans. This is currently required of many Canterbury farmers and overall we think they have been a useful tool. We note that farm plans work best when a relationship is built with a trusted advisor. Such partnerships are invaluable but take time.
38. Farm plans allow catchment and farm specific issues to be addressed in a considered manner. It enables farmers the flexibility to consider what would have the greatest impact for cost incurred as opposed to simply implementing the easiest proposal to measure.
39. It is not clear from the proposals what will happen to existing farm plans. We would like to see those farmers who already have a farm plan rewarded and not punished by having to do an additional farm plan, at significant additional cost for no real benefit.
40. The NES also requires farmers to have a farm plan but does not go as far as telling regional councils what to do with the farm plans they receive. It is unclear whether these are to be used for reporting purposes only or if the regional council will be required to act if they are not complied with.

### *Dryland farming*

41. The proposal requires some farmers within our District to develop a farm plan who have previously been exempt from this requirement; notably our dryland farmers. It was recognised through a collaborative process that dryland farming has a considerably lower environmental footprint than our intensive irrigated farms. These farms also have less resource and capital to hire consultants to develop such plans.
42. Preparing a farm plan is an additional cost for these farmers who are already struggling to meet the ongoing requirements. Despite having a lower environmental footprint these farms face the same requirements as higher intensity farms.
43. There needs to be some further consideration as to how this is to be implemented so the value of a farm plans as a useful tool is not undermined by the need to complete a tick box exercise.
44. We also note that nationally there is likely to be a resourcing shortfall of those who are able to prepare and audit farm plans (discussed below).

### ***Excluding stock from waterways***

45. Council has concerns about setting stock exclusion regulations at a national scale.
46. Firstly, the term “stock exclusion” does not accurately reflect the requirements of the regulation. If the purpose of the regulation is solely for stock exclusion a set-back of no more than one metre would be appropriate. A fence and one metre setback would be adequate for keeping stock from accessing the waterway. Instead the regulation seems to be more focussed on nutrient and sediment control and the title of the regulation should be amended to reflect this.
47. Secondly, we question the need for those farmers who have gone to the effort of fencing to move those fences when environmental outcomes are being met.

### *Low slope land*

48. We generally support excluding stock from freshwater bodies that are permanently flowing and greater than one metre wide on low slope land. However we question the blanket five metre setback. There seems to be little science behind why five metres is appropriate.
49. Within our District farm auditors and consultants have generally been working to a 2-3 metre setback from the waterway. Flexibility is important as some waterways may benefit from a wider setback; while 2-3 metres may be sufficient for others. The requirement to move fences to meet the five metre setback should be based on the associated water quality benefit as opposed to a blanket number.
50. The installation of fencing is likely to increase weed growth and blockages. This will cause ponding into paddocks and upstream properties. We have concerns about how the land within the setback is to be maintained and note that the setback might in some cases have an adverse effect. The setback is likely to result in the need to spray or mechanically clear the waterways.
51. The Council supports requiring farmers to fence these waterways and acknowledges it is good practice but it should be acknowledged that fencing is likely to increase the works required within the waterway to maintain the flow of the channel and provisions should be made for this.
52. Moreover Council questions how the width of the river is to be determined. Within Canterbury we have had extensive discussions about defining the edge of the waterway. If there is going to be national direction to fence there needs to be a national methodology to determine the width of a waterway.

### *Non-low slope land*

53. The Council has concerns about the requirement to fence waterways in the hill and high country.
54. The vast majority of sediment generated in the hill and high country is part of a natural process and not the result of livestock. The proposed stocking rates on “non-low-slope land” are sufficiently low the animals themselves are causing little erosion or sediment dispersal.
55. A blanket requirement to fence may be easy to regulate but has the potential to divert resources away from activities that would have greater environmental outcomes. For example, planting might be more effective than fencing at preventing sediment from entering waterways.
56. Fencing high country land is expensive due to difficult topography and the need for the fence to withstand extreme weather. In most cases there might be better environmental outcomes by investing in other mitigation. An individual farm plan is better placed to identify this and enable farmers to invest appropriately.

### *Implementation*

57. We do not believe these regulations should be set at a national level as they are addressing catchment sensitive issues. Our preference is that fencing is one option to be considered by farmers as part of their farm plans. Farmers should be encouraged to invest where their money will have the greatest environmental outcomes.
58. As drafted the regulations seem to apply to all farms. Council is after further clarification in the regulation as to who this regulation relates to, ie. does it apply to those on a lifestyle block with one or two cows?
59. Further clarification is also sought as to how the slopes are to be mapped. We note that the mapping on the MfE website is currently inaccurate as some of the rolling hill country is mapped and some of the flat areas are not. If these maps are to be used for regulatory purposes it is important these maps are accurate.
60. It is also unclear how the regulation will be enforced and how farmers are able to apply for exemptions.

### ***Amendments to the Resource Management Act***

61. The Council is supportive of amending the freshwater management process to enable changes to be made in a timely manner, however we are concerned about the detrimental impact this will have on collaborative planning process.
62. Our experience through the Zone Committee is that the development of robust freshwater plans take time. A good plan is successful because buy-in is achieved through the development process and the community is able to own the plan.
63. Rushing through freshwater planning amendments with urgency will lead to poorer freshwater management outcomes with less buy-in and support from landowners and operators in our communities.
64. We also acknowledge the significant amount of work our community has invested in freshwater planning over the last decade. This process has not been straightforward and there is a significant amount of consultation fatigue across our District. The new freshwater package will require a whole new consultation process to make existing plans that are consistent with the legislation. Change must happen at a rate the community can withstand.
65. New freshwater plans will be increasing complex and have a significant impact on many land owners. These must be developed through a participatory process.

### ***Implementation of the NPS and NES***

66. We note that there is currently a lack of capacity and capability to prepare farm plans, audit farm plans, input into freshwater planning processes and process the additional consenting burden.
67. We support an increase in national investment to build on-farm advisory capacity and capability, and support landowners to meet the demands of establishing farm plans. This investment needs to be across councils, independent auditors and farm consultants.
68. The NPS should also consider whether all of this work needs to happen urgently. There seems to be little assessment on which actions will have the greatest outcomes. We support doing a few actions well as opposed to doing lots of things poorly.
69. We also urge the government to prioritise the work programme to set landowners and councils up to succeed. The Council suggests setting a longer phased timeframe for delivery. This may involve smaller or lower intensity farms having longer to comply with the implementation timeframes.
70. If the freshwater planning process is rushed it risks both the success of the planning process and the implementation of this. Through a more participatory process better long term outcomes will be achieved.

### ***NES for Sources of Human Drinking water***

71. The Council generally supports the inclusion of a multi-barrier approach to protect human drinking water, however we do not support the proposed amendments as proposed through the Essential Freshwater Package.
72. The proposal suggests that a spatial criterion (to replace 'upstream/upgradient') be applied and state that this could be based on the approach proposed in the Pattle Delamore Partners 2018 report: 'Technical Guidelines for Drinking Water Source Protection Zones'. This guideline specifies that source protection zones be split into three zones. The intermediate zone (zone 2) and entire catchment / capture zone (zone 3) represent a significantly increased spatial zone in comparison to the default zones that are currently applied in Canterbury under the Land and Water Regional Plan.
73. The economic effect on our rural communities does not appear to have been adequately considered in the proposal given the potential for restrictive resource consent conditions for both land-use and discharge consents.
74. While the Council acknowledge the benefits of a multi-barrier approach to ensure safe drinking water, we question whether there is sufficient evidence to demonstrate that such large source protection zones will achieve any real difference in source water quality. We note that there are potentially multiple sources of microbiological contamination that will always be present in any groundwater / surface water catchment.
75. The Council consider that is unnecessary for the Drinking Water NES to place controls on the area identified within 'Zone 3' in the Pattle Delamore Partners report. Regional councils have sufficient tools available through existing plans to control the cumulative effects of land-use on nitrate-nitrogen leaching.
76. The Council strongly believe that the Zone Committee collaborative approach is the most effective mechanism for managing cumulative effects. This approach allows local catchment characteristics and social, cultural, environmental and economic values to be taken into consideration when making decisions about catchment management.

### *Unintended consequences of NES affecting resilience of networks*

77. We have identified several unintended consequences associated with this proposal that require further consideration.
78. In order to increase the resilience of our water supply networks, we aim to provide multiple source waters for each supply network. Where multiple source waters are not currently available, this proposal will detrimentally affect our ability to gain resource consents for new water takes.
79. Based on the expected restriction on land-use within a source water risk management area we are likely to see significant opposition from affected neighbouring property owners. This will impact on our ability to provide a sustainable, resilient water supply network.
80. The proposal is also unclear regarding whether the rules associated with source water risk management areas will be retrospectively applied to existing land-use or whether the rules will only apply to new consent applications.

### *Effect of increase in number of registered supplies*

81. It has been signalled that the Water Services Bill is likely to expand the scope of drinking water suppliers requiring registration. This will mean that the number of water suppliers that meet the Drinking Water NES definition of 'registered water suppliers serving more than 25 people (for at least 60 days per calendar year)' is likely to significantly increase. Based on the current proposed wording for the Drinking Water NES, there will be a considerable overall increase in land area covered by source risk management rules and therefore a greater impact on the ability of communities to use land productively.

### *Wastewater and stormwater*

82. The Council support the adoption of a risk management approach. In order to effectively improve the performance of wastewater and stormwater networks we consider it essential that national standards and resource consent conditions reflect the additional control enabled by the risk management approach.
83. The national standards and associated resource consent conditions should focus on the achievement of specified limits, rather than how those limits are to be achieved. How these limits are to be achieved should be covered by the risk management plan, this has the advantage of enabling a more adaptive approach.
84. We urge central government to progress these new standards, including the proposed National Environmental Standards for Drinking Water and for Wastewater Discharges and Overflows, as soon as possible to allow for improvements to be included within 2012-2031 Long Term Plan. We have provided some comment below and look forward to providing more in-depth comment on these proposals when they are released.

### **Process**

85. Council has concerns with the significant haste in which this recent series of NPS documents seem to have been prepared. Given the significant impact these documents will have on private property it is disappointing more effort was not made to ensure these documents work effectively together.
86. Some further consideration needs to be given to the overall impact of current government policy on private property. We note that both the Climate Change Response (Zero Carbon) Amendment Bill and the notified Freshwater Package will have significant impacts on farmers; some of whom will also farm highly productive land. The policies need to integrate in a way that provides farmers with some flexibility in how they run their business.



87. We also have concerns with the haste in which decisions on the proposals are to be made. Given the magnitude of submissions likely to be received it is difficult to see how the Independent Advisory Panel is able to give adequate consideration to the detailed matters being raised in submissions in only a few weeks. Moreover within the proposals there are still significant gaps that are marked for further analysis. It is unclear when this work is going to be undertaken and the Council is of the view that much of this should have been undertaken prior to notifying complete documents with limited .

*Timing of notification*

88. The protection of our freshwater resource is significant issue for our District. The Council is disappointed in the timing of notifying such a significant proposal given the local body elections and lambing and calving season and the timeframe for consultation should have considered the capability of the sector to provide meaningful feedback.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Winton Dalley', written in a cursive style.

Winton Dalley  
Mayor (on behalf of the Hurunui District Council)

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