

## Submission to the Ministry for the Environment

### ***Action for healthy waterways discussion document***

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30 October 2019

1. The Canterbury Mayoral Forum thanks the Ministry for the Environment for the opportunity to submit on the *Action for healthy waterways* discussion document.

### **Background and context**

2. The Canterbury Mayoral Forum comprises the Mayors of the ten territorial local authorities in Canterbury and the Chair of the Canterbury Regional Council (Environment Canterbury). The purpose of the Forum is to promote collaboration across the region and increase the effectiveness of local government in meeting the needs of Canterbury's communities.
3. All Canterbury councils actively participate in the Forum: the Kaikōura, Hurunui, Waimakariri, Selwyn, Ashburton, Timaru, Mackenzie, Waimate and Waitaki District Councils, the Christchurch City Council and Environment Canterbury.
4. Since 2009, freshwater management in Canterbury has been co-ordinated through the Canterbury Water Management Strategy (CWMS). The overall vision for the strategy is to enable present and future generations to gain the greatest social, economic, recreational and cultural benefits from water resources within an environmentally sustainable framework.
5. The Canterbury Mayoral Forum is the governing body of the CWMS, working in collaboration with Ngāi Tahu, the regional council, territorial authorities, landholders, industry groups, statutory bodies, NGOs and other agencies. The CWMS provides a collaborative framework to help manage multiple demands on our precious water resources. This collaborative approach ensures the maintenance of effective relationships, provision of evidence-based policy and supports well-informed decision-makers and the community.
6. Individual councils have differing views on some of the detail of the proposals in the discussion document. Christchurch City Council, the Ashburton, Hurunui, Selwyn, Timaru, Waimakariri, Waimate and Waitaki District Councils and Environment Canterbury also intend to make individual submissions. This submission is intended to complement the individual submissions from our member councils.

### ***Mayors standing together for Canterbury.***

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# Comments on the discussion document

## General comments

7. The Canterbury Mayoral Forum supports the general direction signalled by Government through the discussion document. We agree that the management of freshwater across the country needs to be improved. Freshwater is an essential part of our everyday lives, underpinning our environmental, economic, social and cultural wellbeing.
8. The CWMS has been the mechanism for driving improvements in freshwater outcomes for our region over the last decade. Through collaborative planning processes driven by the CWMS, Canterbury:
  - has some of the strictest farming rules in the country
  - is moving towards lower (i.e. tougher) nitrate limits through industry-agreed, on-farm Good Management Practices
  - has water quantity limits across the region
  - operates a Farm Environment Plan and audit framework to improve land use and water quality outcomes.
9. Much has been achieved over the past 10 years through the CWMS and our collaborative processes. The CWMS has been an important tool to set an agreed direction for improving freshwater management, informed by the needs and desires of our communities. A number of the proposals within the *Action for healthy waterways* discussion document align with the direction of the CWMS, and we welcome that alignment from central government.
10. The Canterbury Mayoral Forum has three key objectives that we would like to see reflected throughout the *Action for healthy waterways* proposals.
  - We want to be able *to continue improving freshwater outcomes* in a manner *that reflects the wants and needs of our region*.
  - We want the new national direction for freshwater management *to complement the collaborative planning process* and the progress Canterbury has achieved through this.
  - We want *the wellbeing of our communities to be enhanced* through the effective management of freshwater, and for the national direction to acknowledge and support this.
11. Before the proposals within the discussion document are implemented, it is vital that the overall cumulative impacts on councils, landowners and communities are clearly understood by all parties and central government. It is clear that the impacts of these proposals will affect all of our communities, from rural through to urban and major metro centres. The analysis provided to date by the Ministry for the Environment within the discussion document is very limited, mostly focusing on environmental outcomes.
12. We recommend that further independent analysis be undertaken to fully understand the wider impacts of the proposals. This analysis needs to focus on economic and social impacts, particularly on our rural communities and urban service centres as they are likely to be most heavily impacted. It also needs to be applied across multiple regions in New Zealand – freshwater management solutions that work in Canterbury may not necessarily work in other regions, and vice versa.
13. With the ‘four wellbeings’ recently reinstated into the Local Government Act, regional councils and territorial authorities would struggle to enact many of the proposals without further analysis of the wider impacts across all four wellbeings on the communities they serve.

14. We want to note our concern with the timing of the consultation period for the *Action for healthy waterways* discussion document. The consultation period has occurred at a difficult time for a number of stakeholders – predominantly local body elections for the local government sector, and the lambing and calving season for the agricultural sector.
15. Both the local government and agricultural sectors are key to implementing the proposals outlined in the *Action for healthy waterways* discussion document. The buy-in and support of these sectors is vital to the success of improving freshwater outcomes. Central government must work alongside these sectors in a meaningful and constructive manner, including engaging within timeframes that work for all parties.

### **Speed up the implementation of freshwater regulations through amendments to the Resource Management Act**

16. The Canterbury Mayoral Forum is committed to improving freshwater management and halting the degradation of our freshwater environments. We recognise the need for urgency highlighted throughout the *Action for healthy waterways* discussion document but caution that urgency needs to be balanced against the time and resources required for adequate consultation and collaborative action.
17. Our experience through the collaborative process used by the CWMS has provided us with a key lesson – collaboration takes time. Collaborative planning requires multi-year programmes that are informed by the community and stakeholders. While the time required to hear concerns and debate differing views is significant, this process delivers robust regional plans with strong community buy-in and support. Putting the community at the heart of the collaborative process is one of the major strengths of the CWMS.
18. There is also concern that councils do not have the capacity and resources to push through freshwater plan changes in the timeframes proposed. Plan changes are resource-intensive processes, both financially and on staff capacity. Adding further time pressures to these processes amplifies the resourcing required.
19. 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 – the very people we must work alongside to make meaningful improvements. The need to secure and retain local community support for the measures required to improve freshwater outcomes cannot be underestimated.
20. We recommend that timeframes be extended for councils already implementing the current National Policy Statement for Freshwater Management through an operative freshwater plan. Further support needs to be considered for those councils struggling to enact a regional freshwater plan.

### **Set and clarify policy direction to bring our freshwater to a healthy state within a generation in a new National Policy Statement for Freshwater Management (NPS-FM)**

21. The Canterbury Mayoral Forum supports the need to lift freshwater management across the board. Sustainable freshwater management is vital to supporting our way of life – whether it be protecting our unique natural environment, supporting sustainable economic development, honouring the values of mana whenua, or providing social and recreational opportunities for our communities.

22. We support the further development of Te Mana o te Wai as a guiding principle for freshwater management. We agree with the concept of taking a holistic approach to the management of freshwater that reflects the integrated nature of the water cycle, with a focus on the health and well-being of water bodies that underpin our freshwater ecosystems.
23. We see tension, however, between the proposed hierarchy elevating Te Mana o te Wai above all other considerations and local government's statutory obligation (Local Government Act 2002 s.10) to "promote the social, economic, environmental, and cultural well-being of communities in the present and for the future". This tension needs to be examined further before councils can implement the concept of Te Mana o te Wai as proposed.
24. We also welcome the strengthening of tangata whenua values in freshwater management. The CWMS already reflects the views of Te Rūnanga o Ngāi Tahu and the papatipu rūnanga of Canterbury through the creation of specific Kaitiakitanga targets. These targets focus on key aspects of freshwater management for tangata whenua in our region: water supply for marae, partnership and co-governance, and restoration of wāhi taonga and mahinga kai.

### **Raise the bar on freshwater ecosystem health by introducing new attributes and requirements in the NPS-FM to protect threatened species and habitats**

25. The Canterbury Mayoral Forum supports in principle the setting of 'bottom-line' attributes that need to be met as an indicator of ecosystem health. Those bottom lines must, however, be:
  - achievable, with clear timeframes for achievement
  - meaningful and appropriate for measuring ecosystem health
  - set with consideration of the four wellbeings (environmental, economic, social and cultural) and the impacts across all four domains.
26. We are concerned that the new attribute limits proposed for Dissolved Inorganic Nitrogen (DIN) and Dissolved Reactive Phosphorus (DRP) at the levels proposed do not meet the above objectives.
27. There is much concern within our communities that the limits for DIN and DRP have been set at levels that will not be achievable without significant negative economic and social impacts on our rural communities. Our rural communities, in particular, are concerned that proposed limits for DIN and DRP will require a significant reduction in production activities to have any chance of achieving the proposed limits. This is one of the areas where further independent economic analysis is required (as recommended above in paragraphs 11-13).
28. We also want to raise the question that the proposed national bottom lines for DIN and DRP may not be appropriate. We are aware of some evidence that the interactions these have with ecosystem health is influenced by multiple factors, and how they interact can be catchment specific. We are also concerned with the lack of clarity around exceptions for catchments where DIN and DRP occur naturally at higher levels than those proposed.
29. We recommend that further work is required before new limits for DIN and DRP are included in the NPS-FM, including:
  - further scientific analysis that DIN and DRP can be applied consistently across multiple types of catchments if a national bottom line is to be pursued
  - if national bottom lines are not appropriate, that catchment-specific approaches for DIN and DRP are considered

- that any bottom lines for DIN or DRP are set at an achievable level which takes into consideration the wider impact on communities (such as reduced production and associated flow-on effects)
  - that clear consideration be given to DIN and DRP exemptions for naturally occurring processes.
30. We support improving protection of indigenous freshwater fish and ecosystems, including measures for improving fish passage. It is important that the ecological and cultural value of our unique indigenous species is recognised. With many of these species in decline or nationally threatened, further safeguards are needed and welcomed. This aligns with the targets of the CWMS to see a reduction in the number of threatened or at-risk indigenous fish species across our region.

### **Support the improved delivery of Three Waters through new regulations and potentially new legislation**

31. The Canterbury Mayoral Forum supports in principle the direction signalled by central government, both in the *Action for healthy waterways* discussion document and through the *Three Waters review*, to provide more clarity and strength to the Three Waters regulatory system and lift the performance of drinking water, wastewater and stormwater services.
32. We also support in principle the direction for nationwide performance standards, as we see no practical reason why the performance of Three Waters services should vary between regions. The general public expects clean drinking water from their taps, that wastewater is treated effectively, and that stormwater systems operate efficiently – regardless of territorial boundaries.
33. Some of the key areas that we would like to see addressed within the Three Waters package, including the upcoming Water Services Bill and National Environmental Standards for Sources of Human Drinking Water and Wastewater Discharges and Overflows, include:
- increasing protection for sources of drinking water that account for both ground and surface water sources
  - clear performance metrics on the effectiveness of wastewater and stormwater systems
  - best-practice national guidelines for the prevention and management of contaminants in stormwater discharges, such as heavy metals in urban waterways.
34. The Canterbury Mayoral Forum has already established working groups to provide advice on collaborative improvements across Three Waters services. We continue to offer the time and expertise of these working groups to support central government in the development of improvements to the regulation of Three Waters.
35. For territorial authorities to meet new standards for the delivery of Three Waters services, it is important that clarity on what these new standards may look like is provided as soon as possible. There is a high level of uncertainty across the local government sector as to what improvements and resources will be needed to meet new Three Waters standards. Clarity on regulatory requirements sooner rather than later would enable councils to plan for and allocate funding within our 2021-2031 Long-Term Plans and 30-year Infrastructure Strategies.
36. 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 in order to inform the development of 2021-2031 Long-Term Plans and Infrastructure Strategies. We look forward to providing more in-depth comment on these once released.

## **Improve farming practices where needed to stop things getting worse and improve freshwater health in a generation, through new National Environmental Standards for Freshwater and regulations**

37. The Canterbury Mayoral Forum supports the use of Farm Environment Plans (FEPs) to improve farming practices. This approach is already being used in our region and we see it as an appropriate tool for managing the environmental effects of on-farm activities.
38. If implemented, we foresee a capacity issue, however, resulting from the increased workload required to implement FEPs. This applies to:
  - councils – to support implementation of the FEP and auditing framework
  - independent auditors – to provide a high level of assurance that FEPs are being implemented effectively
  - farm consultants – to provide quality advice and expertise to landowners in the creation of FEPs.
39. We support the need for increased national investment to build on-farm advisory capability and capacity, and support for landowners to meet the demands of creating and implementing FEPs. This investment needs to be across the three areas outlined above: councils, independent auditors and farm consultants. We also support the work signalled in the discussion document for the creation of a certification framework. This framework is important to provide assurances that landowners receive high-quality advice to develop their FEPs. We recommend the certification framework applies to both independent auditors and farm consultants.
40. We also support the requirements to fence off wetlands and waterways on farm properties as an effective measure for protection freshwater sources. There are already requirements in place for Canterbury that includes rules to exclude livestock from waterways that are more restrictive than the proposed regulations.
41. We believe, however, that further consideration of the five-metre setback is needed. This setback will be too wide for some landforms and presents additional risk for landowners to maintain these exclusion areas from invasive weeds. Furthermore, a number of landowners who have been proactive in protecting waterways already have effective exclusion measures in place involving both fencing and riparian planting but would not meet the five-metre setback requirements.
42. We recommend that consideration be given to a process for clear exemptions from the five-metre setback, such as:
  - where it is impractical to fence waterways due to the form of the landscape
  - timeframes for renewal of existing fencing that align with the expected lifespan of fencing for those who already have exclusion measures in place
  - consideration of narrower setbacks if other protections are in place, such as riparian planting.

## Conclusion

43. To summarise, the Canterbury Mayoral Forum would like to see the following key objectives to be strongly reflected throughout the *Action for healthy waterways* proposals:
- to be able to *continue improving freshwater outcomes* in a manner *that reflects the wants and needs of our region*
  - the new national direction for freshwater management to *complement the collaborative planning process* and the progress Canterbury has achieved through this
  - *the wellbeing of our communities to be enhanced* through the effective management of freshwater, and for the national direction to acknowledge and support this.
44. We support the following aspects proposed in the discussion document:
- the general direction to improve freshwater management nationwide
  - the strengthening of tangata whenua values in freshwater management plans
  - improving protections for indigenous freshwater fish and ecosystems
  - the nationwide direction signalled for Three Waters services, and that these regulations are released quickly to allow for inclusion in council Long-Term Plans and Infrastructure Strategies
  - the use of FEPs to improve farming practices
  - requirements to fence off wetlands and waterways on farm properties, but that these include clear exemptions where practical.
45. We recommend:
- further analysis of the wider impacts of the *Action for healthy waterways* proposals, particularly the social and economic impacts on rural communities and urban service centres
  - that central government work alongside those sectors affected by these proposals and engage with them in a meaningful and constructive manner
  - that timeframes be extended for councils already implementing the current National Policy Statement for Freshwater Management to allow for effective engagement with communities
  - further development of Te Mana o te Wai as a guiding principle for freshwater management, and the resolution of the tension with the four wellbeings in the Local Government Act
  - further analysis of proposed national bottom lines for DIN and DRP
  - increased national investment to build on-farm advisory capability and capacity, including a certification framework for independent auditors and farm consultants to ensure the quality of advice to landowners.
46. For any questions on our submission, please direct these in the first instance to:

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47. Thank you for the opportunity to submit on the *Action for healthy waterways* discussion document.



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