

## Proposed Changes to Freshwater Management

The Ministers for the Environment and Primary Industries have announced a range of proposed changes to a number of instruments to improve freshwater quality in a consultation document called "Next steps for fresh water". In making the announcement Hon Dr Nick Smith noted that New Zealand does not have a shortage of water but that *"Our biggest problem is that we have over-utilised the easy water in shallow aquifers rather than investing in the infrastructure to store and distribute peak flows."* He went on to note that the RMA has worked well at improving point source discharges but not for diffuse pollution. Despite looking to other jurisdictions *"around the world"* there have been few answers and *"Tools like Overseer that we have developed are at the cutting edge internationally of dealing with diffuse pollution."*

Options are proposed to help address the water quality issues that stem from pollution and over allocation. These include the well-publicised new regulation power for excluding stock from waterways. The new power for making these regulations is contained in the Resource Legislation Amendment Bill 2015 (which is currently at the Select Committee submission stage) but the "Next steps" document provides more detail on the future regulations with dairy cattle on milking platforms and pigs being excluded by 1 July 2017, with the penalty being instant fines.

Another issue that has recently been in the media is around iwi participation in freshwater management. Minister Smith notes in his speech that the Government's position is that no one owns water but that it does not want the *"issue to go down the divisive litigation path that occurred with the foreshore and seabed. That is why we have worked hard with iwi leaders to find a pragmatic way forward."* The changes relate to:

- clarification of the status of Te Mana o Te Wai in the National Policy Statement to be the underpinning platform for community discussions on freshwater;
- identification by councils and iwi of rivers and lakes that have importance to iwi with the ability for councils and iwi to agree on participation in decision-making; and
- increased iwi involvement in water conservation orders.

The proposals (if implemented) will also amend the National Policy Statement for Freshwater Management 2014 by giving more direction on:

- exceptions to national bottom lines for catchments with significant infrastructure (e.g. hydro-electric dams);
- using the Macroinvertebrate Community Index as a mandatory monitoring method;
- applying water quality attributes to intermittently closing and opening lakes and lagoons (e.g. Te Waihora); and
- what it means to 'maintain or improve overall water quality'.

The consultation document notes that New Zealand needs to increase the productivity of our natural resources use but that the Government *"is still finalising the package of allocation policy proposals"*. This further policy development will be progressed with a technical advisory group. In the meantime the consultation document raises the following proposals:

- councils applying "technical efficiency standards" in catchments at or close to full allocation of water;
- councils applying "good management practice standards" for discharge allowances in catchments at or close to full allocation of contaminants;
- investigation into measure to better enable transfer between users so allocated water and discharges allowances can move to higher valued users;
- development of guidance on methods to address over allocation; and
- increasing the ability of councils to recover costs from water users for monitoring, enforcement, research and management.

Part of the package is to increase the Freshwater Improvement Fund so that it can be used for improvements not related to its current focus on purchasing land for retirement. The new funding is proposed to be \$100 million.

The consultation document poses a number of questions around the proposals. These include:

- What technical efficiency and good management practice standards could be applied to allocation of water and management of discharges to improve performance? How should they be developed and applied? If such standards aren't effective, what other measures would assist?
- Can transfer of water permits to more efficient, higher value uses be better enabled?
- Should councils be able to recover more costs from water users to fund better monitoring, science, management and enforcements, and if so, how?
- Should the RMA be reformed to enable new rohe based agreements iwi and councils for natural resource management, and if so, how?
- Should part 9 of the RMA on water conservation orders be amended to give more weight to iwi needs, and to make the application process subservient to regional planning processes?
- What support could the Ministry provide councils and iwi to help resource effective engagement and collaborative planning?
- Should funding be provided to provide safe drinking water for marae and papakāinga?
- Should the fund set up in 2014 to buy and retire land next to important waterways be broadened in its focus to fund irrigation schemes that help water users move to meeting environmental limits faster? What should the criteria for the proposed "Freshwater Improvement Fund" be?

And in terms of the changes to the National Policy Statement:

- What should Objective A2 mean, when it says that water quality "overall" must be "maintained or improved"?
- Should the Macroinvertebrate Community Index be used as a mandatory measure of water quality?
- Should there be a requirement for more information and evidence from councils and infrastructure owners, before an exception to meeting the national bottom line is made for significant infrastructure?
- How can the management of the water quality of intermittently closing and opening lakes and lagoons be improved?
- How should iwi rights and interests in freshwater be better reflected in the NPS?
- How can regional councils be required to better recognize iwi and hapū relationships with freshwater bodies?

**Submissions close at 5pm on Friday 22 April 2016.**

The consultation document can be found [here](#).

If you would like to discuss any aspect of the proposed changes to freshwater management please contact our [Resource Management Team](#).