

## **PACKAGE 3 – Freshwater National Direction**

### **Submission of the Nature and Climate Group of the Nelson Tasman Climate Forum**

*July 27, 2025*

*1. What resource management changes should be made in the current system under the RMA (to have immediate impact now) or in the future system (to have impact longer term)? From the topics in this discussion document, which elements should lead to changes in the current system or the future system, and why?*

Given the poor and declining health of our natural environment, including freshwater, it is vital that planning processes are not delayed until new legislation is in place. Where groundwater is unsafe for drinking, rivers are too polluted for swimming, organic contaminants/nutrient enrichment are negatively affecting freshwater ecosystems, and water quality is being degraded by high intensity pasture and horticulture (see Our Environment 2025 report), there is no time to lose.

So long as councils are not permitted to notify new freshwater planning instruments, there will be no effective means to combat our most pressing freshwater issue – the urgent need to reduce nutrient, sediment and *E.Coli* discharges to surface water, groundwater, and coastal receiving environments for the health and safety of both people and natural ecosystems on which our own life and livelihoods ultimately depend.

Freshwater planning must regain rapid momentum, and not wait for new legislation to be enacted.

#### **Part 2.1: Rebalancing freshwater management through multiple objectives**

*2. Would a rebalanced objective on freshwater management give councils more flexibility to provide for various outcomes that are important to the community? How can the NPS-FM ensure freshwater management objectives match community aspirations?*

The current NRSFM has a clear hierarchy, based on scientific evidence, that provides for long-term health of people and the environment as well for productive activities that are compatible with this overarching objective.

The proposed hierarchy, in essence, conflates environmental and commercial objectives, while providing no clear rationale, framework or process for conflict resolution among competing objectives when this occurs. As it will, often. In contrast, the single objective of the current NPSFM contains three goals, with a clear hierarchy to apply in the event of conflict.

The suspicion arises that this “rebalanced” mish-mash is proposed as a covert means for facilitating short-term, unsustainable economic development over longer-term freshwater

and environmental health (without which a thriving economy is impossible, in the long-term).

The Discussion Document has set up a “straw man” argument that the current hierarchy requires pristine water quality under all circumstances, before other uses can be permitted. There is no evidence for this. The prioritisation of freshwater and ecosystem health/quality has not prevented approval of high quality applications for resource consent under the current regime, as evidenced by the Regulatory Impact Statement (Excluding the hierarchy of obligations within the National Policy Statement for Freshwater Management from resource consenting. MFE, May 2024), where the only two applications declined in which the hierarchy of obligations formed part of a rationale, would most likely have been declined for other reasons due to their negative environmental impacts.

Of much greater concern is the urgent need to counteract the major water quality issues highlighted in the Our Environment 2025 report, rather than focusing on mechanisms for facilitating its further degradation.

*3. What do you think would be useful in clarifying the timeframes for achieving freshwater outcomes?*

The Discussion Document is in error over the “immediacy” requirement of the current NPSFM. The pace and cost of change are already considered under s32 RMA. There is thus no need for any change in this respect.

The danger is that by facilitating even longer timeframes for water quality improvement, the proposed new objective would result in irreversible changes, including loss of habitat and species. If a time element is included, then it needs to encompass these environmental factors (plus cultural and social ones) as well as the purely economic ones.

The NPSFM also needs to acknowledge that as the climate changes, and extreme events such as floods and droughts become more frequent and intense, it will be increasingly difficult to maintain, let alone improve, water quality/health. The sooner we make progress, the better we will be able to cope with the stresses that are already becoming a part of our life (e.g. the two 1-in- a-100 year floods that hit Tasman with two weeks in July 2025)

The Discussion Document contains two additional objectives for consideration:

- A requirement to maintain or improve freshwater quality.
- New objectives to enable the continued domestic supply of fresh vegetables, and to address water security.

We support the objective of maintaining or improving freshwater quality so long as it is sufficiently specific and actionable.

We oppose new objectives that enable intensive vegetable production and water security if they allow for continued degradation of water quality or habitat loss. Intensive vegetable production systems that rely on frequent applications of fertilizers and pesticides are inherently detrimental to freshwater quality, especially if these activities take place on flood plains where extreme weather events are likely to occur with increasing intensity and

frequency. Water security investments should not be at the expense of wetland or other habitats, and minimum ecological flows should be sustained at all times, where practicable.

*4. Should there be more emphasis on considering the costs involved, when determining what freshwater outcomes councils and communities want to set? Do you have any examples of costs associated with achieving community aspirations for freshwater?*

Further to the response above (Q3) the “polluter pays” principle should form a part of the cost regime, i.e. internalising the environmental and social externalities within the business model, to determine feasibility or otherwise. If the environmental and social costs are too great to internalise, then the business model is not viable.

## **Part 2.2 Rebalancing Te Mana o Te Wai**

*5. What will a change in NPS-FM objectives mean for your region and regional plan process?*

Climate change is already having grave impacts on the Nelson-Tasman region, specifically the Pigeon Valley wildfire in 2019, and many cyclones/storms (2018, 2022, 2025) with associated floods and landslides. Freshwater quality has been degraded by forestry slash, soil erosion and agricultural contaminants as a result of these events.

It is therefore vital that these objectives take into account the impacts of future climate related events, increasing in intensity and frequency, in consideration of all proposed productive activities.

*6. Do you think that Te Mana o te Wai should sit within the NPS-FM's objectives, separate from the NPSFM's objectives, or outside the NPS-FM altogether – and why?*

We strongly believe that Te Mana o te Wai should remain as a fundamental concept, with the clear hierarchy of obligations unchanged. Rebalancing is not necessary or desirable.

All the proposed changes introduce uncertainty, conflict and subjectivity into the decision-making process. It is likely that, without a voice in this process, the natural world will fail to receive due weight and suffer as a consequence.

*7. How will the proposed rebalancing of Te Mana o te Wai affect the variability with which it has been interpreted to date? Will it ensure consistent implementation*

As the Discussion Document fails to identify any “variability” of interpretation of Te Mana o Te Wai, this question is loaded in favour of a change for which there is no evidence of any need.

## **Part 2.3: Providing flexibility in the National Objectives Framework**

*8. Which values, if any, should be compulsory? Why?*

We support maintaining the current four compulsory values of Ecosystem Health, Human Contact, Mahinga Kai and Threatened Species

In addition, habitat and natural form and character should be compulsory values. These are basic ecological, human health and cultural values that any freshwater management system should address.

The Discussion Document says that the NPS-FM has been criticised for being relatively inflexible. That is not accurate. The concept of “bottom lines” and “limits” are deliberately inflexible, as they need to be to manage cumulative impacts from a range of discharges and uses. However, community and industry involvement is provided for in almost every aspect of the NOF, from FMU delineation to value and attribute selection and determination of timeframes for improvement. There is significant flexibility in the NPS-FM.

*9. What would be the practical effect of removing compulsory national values? Do you think this will make regional processes easier or harder?*

The practical effect will be to make regional processes harder, take longer and probably produce worse outcomes for freshwater quality.

*10. Which attributes, if any, should be compulsory to manage? Which should be optional to manage?*

It should remain compulsory for Councils to manage the four major contaminants that adversely affect freshwater: ie, nitrogen, phosphorous, sediment and *E. coli*.

Other critical things to manage are periphyton, dissolved oxygen, and MCI along with lake- and estuary-specific concepts like trophic state and macrophyte cover.

*11. Which attributes, if any, should have national bottom lines? Why?*

We do not support giving Councils flexibility to set their own bottom lines, except where local conditions make a threshold or method for monitoring an attribute inappropriate. The current NPS-FM already acknowledges natural variability by enabling target attribute states to be set above national bottom lines if naturally occurring processes make the bottom lines unachievable.

However, allowing Councils to deviate from bottom lines because of the cost of doing so is not acceptable – over time the costs of inaction will be greater still. Rather, cost can be taken into account in the timeframe for improving water quality.

Bottom lines already set a minimal level of ecosystem protection. Lower standards would be ecologically and ethically unacceptable.

*12. To what extent should action plans be relied upon, including to achieve targets for attributes?*

No response

*13. Should councils have flexibility to deviate from the default national thresholds (including bottom lines) and methods? Are there any other purposes which should be included?*

No, councils definitely should not have flexibility to deviate from national thresholds

## **Part 2.4: Enabling commercial vegetable growing**

*14. What are the pros and cons of making commercial vegetable production a permitted activity?*

Vegetable growing should be managed to at least achieve national bottom lines. Permitted activity status for discharges in overallocated catchments makes it very difficult to reduce cumulative contaminant loads.

*15. How do you think policies and/or rules should be designed to provide for crop rotation? Do you think these should be considered within sub-catchments only? Yes No Unsure*

No response

*16. For the proposal to develop nationally set standards, what conditions should be included?*

No response

## **Part 2.5 Addressing water security and water storage**

*17. Should rules for water security and water storage be set nationally or regionally? Nationally Regionally Explain your answer here*

As droughts become more frequent due to climate change, water storage for humans and livestock is increasingly relevant. However, it is important to set standards at national level especially to ensure that native ecosystems are not impacted (reduced or displaced) in this process, and that the water takes required to fill storage structures are considered and permitted alongside other uses/objectives, including ensuring that minimum ecological flows are maintained

*18. Are there any other options we should consider? What are they, and why should we consider them?*

No response

*19. What are your views on the draft standards for off-stream water storage set out in Appendix 2: Draft standards for off-stream water storage? Should other standards be included? Should some standards be excluded?*

The standard that prohibits clearance of ecologically significant vegetation is meaningless if these areas have not been mapped by Councils. This mapping process needs to be completed before such a standard can be implemented. There is a risk that the lack of mapping will be taken as a licence to do exactly what the standard intends to prohibit.

*20. Should both small-scale and large-scale water storage be enabled through new standards?*

Yes, but it is important that decisions around construction of dams/water storage structures of any scale are taken at catchment level, as local communities are best able to assess and determine their need.

## **Part 2.6: Simplifying the wetlands provisions**

*21. What else is needed to support farmers and others to do things that benefit the environment or improve water quality?*

As (unintentionally) induced wetlands can have important ecological value, we do not support the proposal to define and automatically exclude them from the wetland provisions in the NPS-FM and NES-F.

The backstop for protection of regionally significant wetlands relies on Council identification, so it is vital that changes proposed in this same consultation do not reduce, extend or remove these identification requirements.

Similarly, the repeal of intensive grazing regulations will result in urine and faeces from stock entering waterways and contaminating adjacent wetland areas, as well as leaching through soil into the water table. We note that 85% of waterways fall within pasture catchments.

*22. What should a farming activities pathway include? Is a farming activities pathway likely to be more efficient and/or effective at enabling activities in and around wetlands?*

We strongly oppose the proposal to permit farming activities in and around wetlands, except for fencing for stock exclusion (set back from the wetland area itself).

In addition to their ecological values, wetlands are also important for carbon storage/sequestration – this climate change mitigation role needs to be encouraged, and enhanced, not weakened.

If the purpose of irrigation around wetlands is for grazing purposes (the most likely intention) this will have negative consequences for water quality and ecosystem health and should not be permitted.

The proposal to permit farming activities is also likely, in practice, to result in farming activities like grazing being used to remove wetland vegetation prior to other land uses like urban development.

Rather, regional councils should be supported in their efforts to identify wetlands and incentivise their fencing and other means of protection.

*23. What will be the impact of removing the requirement to map wetlands by 2030?*

The requirement for Councils to map natural inland wetlands within 10 years should be retained. National environmental standards or plans permit many activities that would result loss of wetlands, but are subject to a condition that they do not occur within a natural inland wetland. For this to work, wetlands need to be mapped. Removing this requirement will inevitably result in wetland loss, due to conversion to productive activities that are likely only marginally profitable.

Wetland loss also increases carbon emissions and reduces future potential for carbon storage. This needs to be built into carbon accounting mechanisms and incorporated into the business cases for such activities.

The proposal to enable wetland construction is supported in principle

*24. Could the current permitted activity conditions in the NES-F be made clearer or more workable?*

No response.

## **Part 2.7: Simplifying the fish passage regulations**

*25. What information requirements are necessary for fish passage? What would the difference in cost be, relative to current information requirements?*

No response

26. How can regulations for temporary and permanent culverts in the NES-F be made simpler?

No response

27. Temporary culverts are currently treated the same as permanent ones. If temporary culverts were to be treated differently (eg, had fewer conditions), would it be better to do so through a permitted activity pathway in the NES-F (culverts only), or by allowing councils to be less stringent than the permitted activity conditions for culverts and weirs?

No response

28. Have you encountered similar issues with any other policy or regulation within the NPS-FM or NES-F (eg, rules or gateway tests about river reclamation)?

No response

### **Part 2.8: Addressing remaining issues with farmer-facing regulations**

29. To what extent will it be more efficient to require dairy farmers to report on fertiliser use at the same time of year they report on other matters?

No response

30. Has the requirement for dairy farms to report their use of fertiliser already served its purpose, in terms of having signalled a level of unacceptable use that should be avoided – no more than 190 kilograms per hectare per year – and if so, is this requirement still necessary?

The existing NES-F cap on nitrogen fertiliser use is absolutely necessary at least until more specific nitrate leaching limits are established for FMUs and freshwater farm plans are implemented.

### **Part 2.9: Including mapping requirements for drinking water sources**

31. Do you think that requiring regional councils to map SWRMAs for applicable drinking water supplies in their regions will improve drinking water safety? Should councils be required to publish SWRMAs?

- Yes and Yes (with appropriate funding provided)

32. Do you think that three zones should be required for each SWRMA, or is one zone sufficient? One zone Three zones Unsure. Explain your answer here (optional):

- Three zones

33. What do you think the population threshold should be to require regional councils to map SWRMAs (eg, 100-person, 500-person, or some other threshold)? 100-person 500-person Other threshold

- 100-person