

Submission to MINISTRY FOR THE ENVIRONMENT on “NEXT STEPS FOR FRESHWATER 2016” (APRIL 2016)

INTRODUCTION

1. Straterra¹ welcomes the opportunity to submit on the Ministry for the Environment consultation document entitled “Next steps For Freshwater 2016”². Key proposals are reproduced for convenience as Appendix 1. The submission deadline of 22 April is noted.
2. In preparing this submission, Straterra has consulted with freshwater environmental management experts within our membership.
3. We have limited our submission to providing answers to selected questions. As an overarching comment, Straterra broadly supports the submission by the Land And Water Forum, of which we are a member, and the submission made by BusinessNZ.
4. Throughout the freshwater reforms, Straterra’s concerns on behalf of the NZ minerals and mining industry have been related to, chiefly: groundwater; artificial water bodies; unwanted water takes (dewatering of mines); access to water flows for exploration during flood peaks for later use; and access to economic instruments for mining companies when allocating water flows in fully-allocated or over-allocated catchments.

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¹ Straterra represents NZ minerals production, exploration, research, services, and support

<http://www.straterra.co.nz/about/>

² <http://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/next-steps-for-freshwater.pdf>

ANSWERS TO SELECTED QUESTIONS IN THE CONSULTATION DOCUMENT

1. Do you agree that overall water quality should be maintained or improved within a freshwater management unit rather than within a region? Why or why not?

Yes, on the rationale provided.

As well, it is important to include within the concept of “overall” the ability for offsetting across attributes (above national bottom lines) in the planning context. This would override the unworkable case law developed by the Environment Court in 2015 in *Ngati Kahungunu v. Hawke’s Bay Regional Council*. Such offsetting may need to occur across catchments, in some cases.

As an example, relevant West Coast coal mining companies could offset elevated levels of sediment discharge, e.g., during heavy rain events, by clean-up work on orphan discharges of acidic waters from historic mining operations.

The determination of freshwater management units (FMUs) will require thought. Among iwi and hapu, there will be a temptation to classify FMUs as comprising a single catchment or part of a catchment, or an individual rohe. That may not be always appropriate.

For example, the steep catchments of the West Coast of the South Island may be amenable to being managed within a single FMU, yet will fall within a number of rohe pertaining to different hapu of Ngai Tahu. As a further example, the streams emanating from Mt Taranaki would once more be amenable to classification within a single FMU, although would fall into the rohe of a number of different iwi and hapu.

2. How should the attributes be applied, or the values protected, in giving effect to the requirement to maintain or improve overall water quality? Please explain.

The answer to these questions will depend on the attribute in question.

The NZ minerals sector will have a particular interest in “sediment” or water clarity as an attribute. As is well known, this is a complex topic, and will require a programme of technical work to develop into an attribute that can be used in practice. Straterra would be interested in involvement in this work, through the expertise available among our membership.

3. What is an appropriate way to include measures of macroinvertebrates in the National Policy Statement for Freshwater Management? What alternative measures could be used for monitoring ecosystem health?

This is a good idea in principle, however, will require more work to make this an effective indicator in New Zealand. One issue with the MCI is that it is best suited to pristine rivers, as opposed to rivers that have been modified over a long period of time.

4. What information should be required in a request to include significant infrastructure in Appendix 3 of the National Policy Statement for Freshwater Management, and why would this information be important?

An important input should be whether or not the site presents legacy environmental issues. An example would be the Stockton coal mine on the Stockton plateau, north of Westport.

A second issue is that of “orphan discharges”, typically, acid mine drainage from historic coal mines, for which no private sector interest has responsibility, e.g., on the West Coast of the South Island. It is not clear what the policy approach is to this issue that affects water quality. It would not qualify as significant infrastructure. Nonetheless, it is a problem.

9. Do you support easier transfer of consents? Do you think the changes outlined in Proposal 2.4 would better enable transfers? What other changes would better enable transfers?

If there is to be more emphasis placed on the transferability of resource consents, there is potentially an issue with consent duration, especially for water users who are seeking year-by-year access to water.

The value of the transfer of a water flow allocation from one user to another as the consent nears expiry would be next to nothing. That may be appropriate, however, how would the person who acquires the consent be sure of being able to gain a new consent? If consents are going to be traded, it makes little sense to limit the length of the consent. In the same way, the owner of quota in the commercial fisheries context has an ongoing right. Otherwise, the system would not work.

10. How should the Government help councils and communities address over-allocation for water quality and water quantity? Should it provide guidance, rules or something else (please specify)?

Logically, water allocation and the management of its over-allocation could be run in much the same way as the quota management system for commercial fisheries. The percentage of access to water by consented users is calculated, and that percentage maintained, as each user’s quota is reduced.

This is an economically efficient method of dealing with over-allocation, and it would deal with over-allocation. That has nothing to say about fairness, or about how various desired social outcomes could be met. There are challenging decisions for Government to make in this space.

14. What would support councils and iwi/hapū to engage about their values for freshwater bodies?

There may be a role for cultural impact assessments around water, that councils could commission from iwi, during the planning stage when reviewing freshwater planning provisions.

15. What are your views on the proposal for a new rohe-based agreement between iwi and councils for natural resource management? What type of support would be helpful for councils and iwi to implement these to enable better iwi/hapū engagement in natural resource planning and decision-making?

A key issue with rohe-based management is that rohe do not necessarily line up with catchment boundaries or the geography of land and water use in New Zealand.

A second issue to consider is the number of iwi and hapu in a particular region. In the Bay of Plenty, for example, there are some 30 iwi and hapu, each with their own rohe. Consider the challenge that

Environment Bay of Plenty and Maori in the region will have in working out a rohe-based way of managing freshwater in this region.

APPENDIX 1: SUMMARY OF KEY PROPOSALS

Fresh water and our environment

Amend the NPS-FM to improve direction on: • exceptions to national bottom lines for catchments with significant infrastructure • using the Macroinvertebrate Community Index as a mandatory monitoring method • applying water quality attributes to intermittently closing and opening lakes and lagoons • what it means to ‘maintain or improve overall water quality’.

Exclude stock from water bodies through regulation.

Economic use of fresh water

Require more efficient use of fresh water and good management practice.

Iwi rights and interests in fresh water

Strengthen Te Mana o te Wai as the underpinning platform for community discussions on fresh water.

Improve iwi/hapū participation in freshwater governance and management.

Better integrate water conservation orders (WCOs) with regional water planning and allow for increased iwi participation and decision-making on WCOs.

Freshwater funding

Set up the ‘Next Steps for Freshwater Improvement Fund’.