

Appendix 3 - Christchurch City Council detailed submission on Package 3: Freshwater

	Discussion question	Topic	Feedback and Reasons
		Rebalancing freshwater management through multiple objectives	
1	Discussion question 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?	<p>As Christchurch District's water supply comes from our aquifers, we are committed to protecting the health of our freshwater.</p> <p>Our preference is to keep the current hierarchy with only one objective – we consider that the current objective is adequate, clear and already provides for communities' social, cultural and economic well-being.</p> <p>We question why 'economic productive opportunities' is specifically called out, given that it is already covered under "social, cultural and economic wellbeing" of communities.</p> <p>We do not agree with the stated problem in the discussion document that the current objective is being interpreted as requiring "pristine water". There is no evidence that has been provided for this. The priority of health and wellbeing of freshwater is fundamental to a community being able to use water safely for drinking and community uses such as swimming, and economic and cultural activities. The health and safety of freshwater must be the priority, and flexibility should instead be achieved through relevant policies and plans.</p> <p><u>Adding a new objective to maintain or improve</u> We have concerns regarding the proposed addition of a new objective to maintain or improve freshwater quality where it is below a national bottom line. We do not think that a bottom line should be a target that once met, is only maintained. There should be continued improvement over time to safeguard and protect resources.</p> <p><u>Adding a new objective to consider the pace and cost of change</u> It is unlikely that a new objective to consider 'pace and cost of change' will improve freshwater quality, and raises questions about what 'costs' will be considered. There is no information</p>

			provided in the proposal to indicate that societal costs will be factored into councils' considerations.
2	Discussion question 3	Clarifying timeframes for achieving freshwater outcomes	Without some national direction on the need to prepare programmes to improve water quality over time, there is the risk that these issues will be delayed and deferred. We recommend having targeted increases over time i.e., annual percentage increase and step increases if the desired increase is not achieved. However, we also acknowledge that it may be difficult to set and meet timeframes, especially if there is significant information needed. Overall, we believe timeframes are useful because they provide a goal to aim for.
3	Discussion question 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?	We agree that there should be more emphasis on considering the costs of achieving freshwater outcomes – this would increase the community's awareness of what is required and the costs involved. However, we would propose balancing the costs of achieving freshwater outcomes with the future costs of further degradation and decline.
4	N/A	Misalignment between NPS-FM and water service legislation	We see it as being crucial that government clarifies what is meant by “the health needs of people” as it implies drinking water. This concept contradicts obligations and concepts under the Water Service Act (WSA) and Local Government Water Services (LGWS) Bill (in particular, the repeal of section 14 and section 138), which makes the Te Mana o Te Wai framework challenging to achieve.
Rebalancing Te Mana o te Wai			
5	Discussion questions 6, 7	Do you think that Te Mana o te Wai should sit within the NPS-FM/s objectives, separate from the NPS-FM's objectives,	We acknowledge that the hierarchy does introduce uncertainty about whether the attributes of freshwater need to be addressed before other matters.

		<p>or outside the NPS-FM altogether – and why?</p> <p>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?</p>	<p>However, we do not support any of the three options provided, as our preference would be to keep the current Te Mana o te Wai framework from 2020 with its hierarchy and recommend that government clarifies any reference to drinking water in the second obligation OR removes the obligation to exclude drinking water (e.g. refer to contact or recreational water). Any rebalancing will result in confusion and reduce the effective application of the NPS-FM.</p> <p>Removing the hierarchy and process direction from the NPS-FM will reduce the strength of national direction, which would likely lead to more differences in interpretation and implementation (not less). Te Mana o te Wai is a framework which communities can work through when developing plans to improve freshwater quality. ‘Involving tangata whenua’ as suggested cannot be conflated with, or replace, Te Mana o te Wai - Te Mana o te Wai is a framework that guides and engages the whole community.</p> <p>We also support Te Mana o te Wai sitting within the NPS-FM's objectives, to provide a strong statement about objectives and expectations.</p> <p>Our second preference is for the Government to strongly reconsider the recommended option in the RIS (Option 2), which was not included as an option for public consultation.</p> <p>If we had to choose one of the options in the discussion document, it would be Option 1.</p>
6	N/A	Misalignment between NPS-FM and water service legislation	We note that the current hierarchy does not align with responsibilities set out in the Water Service Act and Water Services Delivery Bill for the short term in drinking water systems that are under pressure.
		Providing flexibility in the National Objectives Framework (NOF)	
7	N/A	General comments	<p>We believe that the current NOF is adequate.</p> <p>The discussion document states that some flexibility is needed and that some national bottom lines are unsuitable for some catchments – there has not been evidence provided on why flexibility is needed. While it is proposed that councils can pick which value to provide for in</p>

			<p>their plans, the current discussion document does not indicate how this would be done or how this could lead to better water quality outcomes than the current NPS-FM.</p> <p>Action plans should provide specific detail on how to achieve targets and improvements, and should be used to inform other site specific or project level plans. The action plans should bring in regional context/catchment specific information.</p>
8	Discussion questions 8, 9	<p>Which values, if any, should be compulsory? Why?</p> <p>What would be the practical effect of removing compulsory national values? Do you think this will make regional processes easier or harder?</p>	<p>We recommend that the current four values should be compulsory, and an additional compulsory value should be natural form and character.</p> <p>We do not support removing compulsory values – this would result in confusion over what the priorities are. While regional context is important, the optional values (other than natural form and character, Wahi Tapu and drinking water) focus on economic priorities rather than waterway health priorities.</p>
9	Discussion questions 10, 11	<p>Which attributes, if any, should be compulsory to manage? Which should be optional to manage?</p> <p>Which attribute, if any, should have national bottom lines? Why?</p>	<p>The current NPS-FM has 10 attributes that are mandatory for councils to respond to, with an additional 11 attributes that are optional. Permitting some or all of the current 10 compulsory attributes to be changed to optional would mean that councils could end up having few attributes for which they had to monitor, which is unlikely to improve water quality.</p> <p>We acknowledge the need for flexibility – one option we would suggest is to consider developing a core list with more attributes than what is currently present, and Councils could choose a minimum number of core number of attributes from the list. This would allow for regional context but also set a minimum number of attributes.</p> <p>Adding other ecosystem health measures to the attributes would allow for a more holistic approach to waterway management, for example additional attributes could be heavy metals, Rapid Habitat Assessment etc.</p>

10	Discussion question 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?	<p>No, councils should not have flexibility to deviate from the default national thresholds (including bottom lines) and methods. The current national bottom lines for the 10 compulsory attributes represent a 'passing grade' and should be retained. While deviating from national bottom lines permits councils to have greater flexibility, this would mean that they are no longer considered to be 'national' bottom lines and could lead to councils avoiding taking difficult steps to improve water quality outcomes.</p> <p>One suggestion for improving the current system is to introduce regional bottom lines, which may be better to allow for local context, but within specified national ranges. There is some benefit of councils being able to choose their bottom lines, although we note this would again no longer be considered 'national' bottom lines.</p>
Enabling commercial vegetable growing			
11	Discussion question 14	What are the pros and cons of making commercial vegetable production a permitted activity?	<p>At the moment, there is very little information provided so it is difficult for us to make specific comments.</p> <p>We note that an adverse impact of making commercial vegetable production a permitted activity would be the further degradation of freshwater bodies. If nationally set standards were to be developed, there would need to be appropriate buffers. It is critical that commercial vegetable growing activities are regulated appropriately to avoid excessive water takes or discharges of sediment, nutrients and/or agrichemicals from those activities that would adversely affect freshwater.</p>
Addressing water security and water storage			
12	Discussion question 18	Are there any other options we should consider? What are they, and why should we consider them?	There are safety and environmental issues associated with water storage, such as structural integrity and impacts on groundwater. The options provided do not address structural integrity matters.
Simplifying wetlands provisions			
13	N/A	General comment on wetlands	In the Christchurch District, the percentage of remaining natural wetlands in the Plains is significantly less than 10% (average across New Zealand). Any increased pressure or potential

			<p>impact on these areas would be significant. Therefore, our primary concern is to ensure that these natural wetlands are protected and to ensure that the regulatory system appropriately manages and controls adverse impacts.</p>
14	N/A	New permitted activity standard for farming activities unlikely to have an adverse effect on a wetland	<p>It is difficult for us to assess the impact of this proposal without the details – there could be adverse impacts depending on what the intended definition is of farming activities “unlikely to have an adverse effect on a wetland”. We do not consider fencing necessarily as “unlikely to have an adverse effect on a wetland”. For example, a risk would be that if fencing is permitted, a wetland could be fenced off but not at its true extent.</p>
15	N/A	New permitted activity standard for activities related to wetland construction	<p>We support this proposal as it would provide regulatory relief to councils that construct wetlands for ecological and/or stormwater management. Enabling a simpler path to constructed wetlands (where appropriate) would benefit landowners, councils and water quality. The Council needs, however, the flexibility to build constructed wetlands over natural wetlands (although this is usually managed through offsetting) and would like to see this reflected in the activity standard.</p> <p>We would like to see further detail on the activity standards – we assume that not all constructed wetlands would be permitted, dependent on the reasons for constructing a wetland, where the wetlands are located and how it may impact existing natural wetlands.</p>
16	Discussion question 23	What will be the impact of removing the requirement to map wetlands by 2030?	<p>We do not support removing this requirement. While we note that Environment Canterbury has already done much of this wetland mapping, we would support mapping in the future system. Mapping will also help with managing issues around the definition of wetlands.</p> <p>Mapping provides a consistent information source, and provides clarity for landowners, regulatory and other users about the specific areas that provisions apply to. Without this requirement, the mapping will not be done. Without this mapping, there could be major risks to the protection of wetlands. Mapping can also help with assessing whether fencing is complete around the true extent of the wetland.</p>

			We do recognise, however, that defining natural inland wetlands has been costly and complex. A provision of a national framework for carrying out this mapping work, along with national support, would address the issues noted in the RIS and remove the definition debate. There should also be further clarification on defining wetlands, as stormwater basins have been included previously by Environment Canterbury as wetlands.
Simplifying fish passage regulations			
17	Discussion question 25	What information requirements are necessary for fish passage? What would the difference in cost be, relative to current information requirements?	We do not support reducing the information requirements for fish passage. The information currently required is necessary to ensure fish passage is appropriately designed for. Information such as velocity is vital for ensuring fish passage is protected. Use of the NZ Freshwater Fish Passage Guidelines and Fish Passage Assessment Tool should lead and inform information provision requirements and regulatory management levels based on values and potential impact.
18	Discussion question 26	Temporary culverts are currently treated the same as permanent ones. If temporary culverts were to be treated differently, would it be better to do so through a permitted activity in the NES-F. pt by allowing councils to be less stringent than the permitted activity conditions for culverts and weirs?	We believe the status quo is adequate. While we have not seen any detail around the provisions, our general position is that if temporary structures were treated differently to permanent ones, temporary culverts would be in place for as long as needed to provide fish passage given the length of the activity, e.g. gravel extraction could take many years. If temporary culverts become a permitted activity, we have concerns that it would make monitoring culverts more difficult, so would want to see some sort of monitoring or reporting requirement.
Addressing remaining issues with the farmer-facing regulations (i.e., synthetic nitrogen fertiliser)			
19	N/A	General Comments	We do not support the repeal of the NES-F Part 2, subpart 4, 190 kilogram per hectare nitrogen limit. Removing the nitrogen cap may result in the additional use of synthetic nitrogen fertiliser which will negatively impact the environment and will not provide the expected economic returns to farmers. Nitrogen from farming has been acknowledged as a major source of nitrogen contamination in waterbodies. The Council is concerned about the amount

			<p>of nitrate that is being absorbed through our soils, which puts our aquifers and freshwater invertebrates at risk. We support the intent of options 1 and 2, which is to amend the regulation to reduce administrative burden through alignment of reporting under the NES-F with other dairy reporting. However, any changes should retain the cap and enable effective monitoring and enforcement by regional councils. The RIS provided for these changes relate only to RMA options. However, we note there may be more effective and complementary means outside the RMA to limit nitrogen use to appropriate levels.</p> <p>We support the government requiring manufacturers and importers of synthetic nitrogen fertiliser to pay for emissions via the New Zealand Emissions Trading Scheme. This would internalise some of the cost of these emissions (noting that the carbon price remains suppressed) and incentivise more efficient and economic farming practices to optimise fertiliser use. Price signals are likely to be more effective than relying only on regulatory tools alone.</p>
			Including mapping requirements for drinking water sources
20	Discussion questions 31, 32	<p>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?</p> <p>Do you think that three zones should be required for each SWRMA, or is one zone sufficient?</p>	<p>We support regional councils publishing Source Water Risk Management Areas (SWRMA) and believe that it will improve drinking water safety. We support the requirement of three zones for each SWRMA.</p> <p>At the time of the 2022 consultation on the NES for Drinking Water, the Council noted the challenges for regional councils to identify drinking water sources when not all water suppliers were registered at the time. Under the <i>Water Services Act 2021</i>, those not previously registered would have until at least November 2025 to register. We note this as a consideration as it may be difficult to identify all drinking water sources (other than self-supplies) within the region and within the five-year period proposed in the discussion document.</p>
21	Discussion question 33	What do you think the population threshold should be to require regional	We suggest the population threshold should be 26-person, so that it is consistent with the drinking water supply categories set in the Drinking Water Quality Assurance Rules by Taumata Arowai.

		councils to map SWRMAs (e.g., 100-person, 500-person, or some other threshold)?	
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