

## **Proposals and questions in *Next steps for freshwater***

### **Fresh water and our environment**

- 1.1 Amend Objective A2 of the National Policy Statement for Freshwater Management so that it applies within a freshwater management unit, rather than across a region.
- 1.2 Clarify that councils have flexibility to maintain water quality by ensuring water quality stays within an attribute band, where it is specified in the National Objectives Framework, or demonstrating that the values chosen for a freshwater management unit are not worse off, where an attribute band is not specified in the National Objectives Framework.
- 1.3 Require the use of Macroinvertebrate Community Index as a measure of water quality in the National Policy Statement for Freshwater Management by making it a mandatory method of monitoring ecosystem health.
- 1.4 Work with the Land and Water Forum on the potential benefits of a macroinvertebrate measure for potential inclusion into the National Objectives Framework as an attribute.
- 1.5 Provide further direction on providing evidence when councils or infrastructure owners request that the Government include specific significant infrastructure in Appendix 3 of the National Policy Statement for Freshwater Management.
- 1.6 Amend the attribute tables in Appendix 2 of the National Policy Statement for Freshwater Management so that attributes clearly apply to intermittently closing and opening lakes and lagoons, with the same band thresholds and national bottom lines as lakes.
- 1.7 Provide direction to councils on how to request that, after meeting evidential thresholds, a freshwater management unit be allowed to use a transitional objective under Appendix 4 of the National Policy Statement for Freshwater Management.
- 1.8 Create a national regulation that requires exclusion of dairy cattle (on milking platforms) from water bodies by 1 July 2017, and other stock types at later dates (see table 2).

### **Economic use of fresh water**

- 2.1 Require councils to apply technical efficiency standards in catchments that are at, or approaching, full allocation of water.
- 2.2 Where councils have elected to allocate discharge allowances, require them to apply good management practice standards in catchments that are at, or approaching, full allocation of contaminants.

- 2.3 Require councils to apply these standards at defined times, for example, at initial limit setting, on consent expiry, and/or on application to permanently transfer consents for water or discharge allowances.
- 2.4 Investigate a package of measures to better enable transfers between users so allocated water and discharge allowances can move to higher valued uses, such as:
  - standardising consent specifications to better enable transfer, such as separating ‘take and use’ components of a consent
  - making information available, including public registers of consented and used water and discharge allowances
  - model plan provisions specifying where and in what circumstances transfers are permitted
  - enabling water user groups and nutrient user groups to provide for low cost transfers.
- 2.5 Develop guidance on different methods of addressing over-allocation of water quality and/or quantity, if technical efficiency standards and good management practice standards are insufficient.
- 2.6 Increase the ability of councils to recover costs from water users for monitoring, enforcement, research and management.

#### Iwi rights and interests in freshwater

- 3.1 Include a purpose statement in the National Policy Statement for Freshwater Management which provides context about the meaning of Te Mana o te Wai and its status as the underpinning platform for community discussions on freshwater values, objectives and limits.
- 3.2 Require regional councils to reflect Te Mana o te Wai in their implementation of all relevant policies in the National Policy Statement for Freshwater Management.
- 3.3 Councils must, at the outset of their freshwater planning process, engage with iwi and hapū to ensure all iwi and hapū relationships with water bodies in the region are identified in regional planning documents.
- 3.4 Councils must, when identifying values and setting objectives for particular freshwater management units, engage with any iwi and hapū that have relationships with water bodies in the freshwater management unit.
- 3.5 The Government will amend the Resource Management Act to establish provisions for a new rohe (region or catchment)-based agreement between iwi and councils for natural resource management [*as an alternative to the Iwi Partnership Agreements signalled in the RLAB*] – a ‘mana whakahono a rohe’ agreement. The mana whakahono a rohe will:
  - be initiated by iwi through notice to the councils

- be available to all iwi but will not override or replace existing arrangements for natural resource management in Treaty of Waitangi settlements nor preclude agreement of different arrangements under a Treaty settlement
- provide for multiple iwi involvement where appropriate and agreed
- set out how iwi and council(s) will work together in relation to plan-making, consenting, appointment of committees, monitoring and enforcement, bylaws, regulations and other council statutory responsibilities
- include review and dispute resolution processes.

3.6 The Government will amend the Resource Management Act to:

- require water conservation order (WCO) applications to provide evidence of consultation with relevant iwi and have one person nominated by the relevant iwi represented on the Special Tribunal convened to hear the application
- require the Special Tribunal for a WCO (and, where relevant, the Environment Court) to consider the needs of iwi/tāngata whenua
- require WCO applications to consider any planning processes already underway
- allow the Minister for the Environment to delay an application if there will be a conflict with a regional planning process
- allow councils to recommend to the Minister for the Environment that a WCO be created over an outstanding water body that has been identified through regional planning, and allow the Minister to consider recommendations under a streamlined procedure.

3.7 The Ministry for the Environment will facilitate and resource programmes to support councils and iwi/hapū to engage effectively in freshwater planning and decision-making, including collaborative planning.

3.8 The Government will consider if additional funding is required to develop or improve water infrastructure at marae and papakāinga.

### Freshwater funding

4.1 The Government proposes that eligible projects will need to meet the following criteria:

- only projects that support users to move to managing within quality and quantity limits will be considered
- projects will need to demonstrate that they produce environmental benefits
- projects will be considered if the overall public and private benefits are clearly demonstrated to be greater than the public and private costs
- irrigation projects will be eligible for funding only commensurate with any environmental benefits that would not be achieved by the funding available from other sources
- any legal entity will be eligible for funding

- changes in resource use or other business practices, or installed infrastructure, will all need to be sustainable beyond the length of the project without ongoing Government funding
- extension programmes will only be funded where there are clearly public benefits and the barriers to success are about adaptation and roll out at scale. These projects must continue to meet the initial objectives after the extension funding has stopped
- if comparable projects achieve similar economic and environmental objectives cost-efficiently, preference will be given to projects that achieve co-benefits, such as improvements in ecosystem health, conservation and climate change
- government funding should reflect the public benefits of each project and be limited to a maximum of 50 per cent of the cost of any project. Other sources of government funding will not count towards the co-funding requirement. Priority will be given to projects with funding sourced from either business or philanthropic funds, in addition to funding sources from local government
- the minimum government contribution for projects will be \$250,000. There will be no maximum contribution.

### **Questions in the *Next steps for freshwater***

#### Fresh water and our environment

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?
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.
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?
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?
5. Do you agree with applying lake attributes and national bottom lines to intermittently closing or opening lakes or lagoons? Why or why not?
6. What information should be required in a request to list a water body in Appendix 4 of the National Policy Statement for Freshwater Management, and why would this information be important?
7. Do you agree with the proposed requirements and deadlines for excluding livestock from water bodies? Why or why not?

### Economic use of fresh water

8. Should standards for efficient water use be developed? Should standards for good management practices for diffuse nitrogen discharges be developed? Who should be involved in their development? When should they be applied to consents (e.g. on consent expiry and/or on limit setting and/or permanent transfer)?
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?
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)?
11. Should councils have greater flexibility in how they meet the costs of improving freshwater management? For example, by recovering costs from water users and those who discharge to water? Please provide examples.

### Iwi rights and interests in freshwater

12. How can the Government help councils and communities to better interpret and apply Te Mana o te Wai in their region?
13. Should councils be required to identify and record iwi/hapū relationships with freshwater bodies, and how should they do it?
14. What would support councils and iwi/hapū to engage about their values for freshwater bodies?
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?
16. What are your views of the proposed amendments to water conservation orders? Outline any issues you see with the process and protection afforded by water conservation orders.
17. If you are involved with a marae or live in a papakāinga, does it have access to clean, safe drinking water? What would improve access to clean, safe drinking water for your marae or papakāinga?

### Freshwater funding

18. Do you agree with the proposed criteria for the Freshwater Improvement Fund? Why or why not?