

New Zealand Government



Next steps for fresh water

SUMMARY OF SUBMISSIONS

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Ministry for the
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Manatū Mō Te Taiao

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Manatū Ahu Matua



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General overview

Consultation on the Government's *Next Steps for Fresh Water* consultation document opened on 20 February 2016, and ran for two months, closing on 22 April 2016. This consultation covered many proposals for reforming the existing National Policy Statement for Freshwater Management (NPS-FM) and the development of new policies on a broad range of related issues.

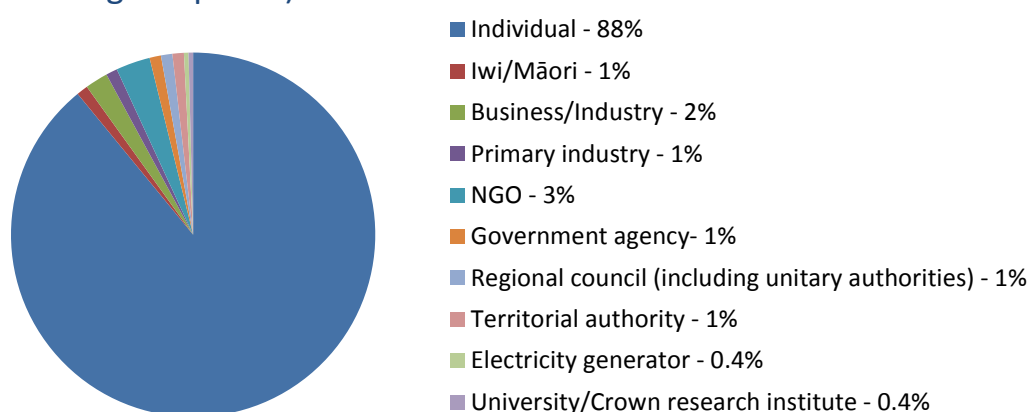
During this time, a series of public meetings and hui were held across the country, and attended by approximately 1050 people. These public meetings helped provide valuable insight. Comments and issues raised in those meetings have been documented separately and will support further policy analysis.

The Ministry received 3966 written submissions. About half of these were template submissions¹ (2181) promoted by the Royal Forest and Bird Protection Society (Forest and Bird; 1877); the Green Party of Aotearoa New Zealand (Green Party; 295); and the Morgan Foundation (9). A combined submission was received from ActionStation, in collaboration with the Choose Clean Water Campaign, which included the views of 2376 individuals. In total, the views of 6,342 New Zealanders were received.

Submissions from stakeholder groups included 14 from regional councils (including the unitary councils), 15 city and district councils, 40 iwi/Māori groups, 59 NGOs, 36 business, 20 primary industry groups, six electricity generators, seven universities/Crown research institutes and 23 other organisations (including health boards, the Land and Water Forum, and the Parliamentary Commissioner for the Environment).

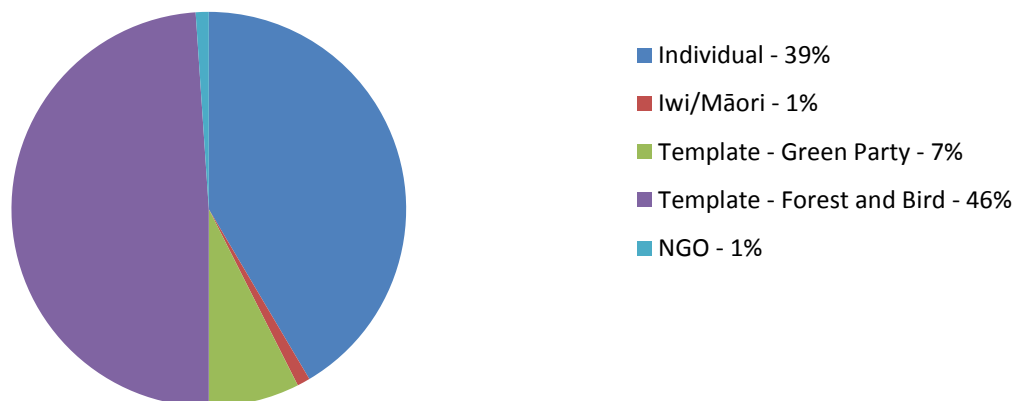
This is a higher level of engagement than we had at previous consultations. A number of high profile campaigns and media stories ran throughout the consultation period, increasing engagement in the consultation.

Percentage of total unique submissions by submitter type (excluding templates)



¹ Template submissions are submissions drafted by particular organisations/groups and submitted by individuals. Some submitters made amendments to the template in their submissions. The Ministry for the Environment considers template responses with equal weight and has included these additional comments in our analysis of submissions. However, these adapted submissions are still counted as template submissions. The Ministry has predominantly chosen to display figures on the breakdown of unique submissions for ease of comprehension. Unless otherwise stated, graphs do not include template submissions.

Percentage of total submissions by submitter type (including templates)



Written submissions covered a range of issues, and addressed all proposals in the consultation document, as well as raising issues not covered by the document. Key themes are given below, with more information provided in the body of this report.

Summary of key themes

Fresh water and our environment

- Support for 'maintaining' water quality within a freshwater management unit (FMU), but less support for defining this within attribute bands.
- Support for Macroinvertebrate Community Index as a monitoring method.
- Mixed response to exceptions for significant infrastructure.
- Strong support for proposals related to intermittently closing and opening lakes and lagoons (NPS-FM Appendix 2 and Appendix 4).
- Support in principle for stock exclusion from waterways, but specifics of stock exclusion requirements remain contentious.

Economic use of fresh water

- General support for developing good management practices and technical efficiency standards.
- Differing views on transfer and trade.
- General support for increasing cost-recovery mechanisms, but with a number of concerns raised.

Iwi rights and interests in fresh water

- Support from most organisations for Te Mana o te Wai, but opposition from many individual submitters.
- Support for Mana Whakahono a Rohe from local authorities and iwi.

- Concerns raised about the changes to water conservation orders, but general support for iwi involvement proposals.
- Support from key stakeholders on the proposals around iwi/hapū engagement and recognising iwi and hapū relationships with, and values for fresh water, with differing views among individuals.
- Support for additional funding for clean, safe drinking water for marae and papakāinga².

Freshwater Improvement Fund

- Strong support for the fund in principle, with concerns raised over specifics of the criteria and project eligibility.

Other issues raised

- Many individual submissions commented on rights and interests in fresh water in a general sense. The majority of these comments did not relate directly to proposals in the document.
- Significant public interest in achieving swimmability.
- Some private sector and individual submitters sought improved urban water management.
- Allocation, particularly around property rights, and the lack of an allocation framework in the proposals.

² Papakāinga is a form of housing development which occurs on multiply-owned Māori or ancestral land. Traditionally, the literal meaning of papakāinga housing is, 'a nurturing place to return to'.

Fresh water and our environment

‘Maintain or improve overall’ water quality

Overview

The proposals relating to Objective A2 of the NPS-FM are to:

- 1.1 *Amend Objective A2 of the National Policy Statement for Freshwater Management so that it applies within a freshwater management unit (FMU) rather than a region; and*
- 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.*

Background

The NPS-FM requires that “*the overall quality of freshwater within a region is maintained or improved...*” (Objective A2). There is no clear test for when a regional council has given effect to Objective A2 while setting freshwater objectives. As a consequence:

- a. Objective A2 is open to different interpretations about what water quality is, and what freshwater objectives are necessary to maintain it.
- b. Uncertainty exposes regional councils to debate and litigation.
- c. It is practically difficult to establish that the overall quality of fresh water in a region is maintained (eg, how to establish the equivalence of any trade-offs between potentially unrelated water bodies and communities within a region).

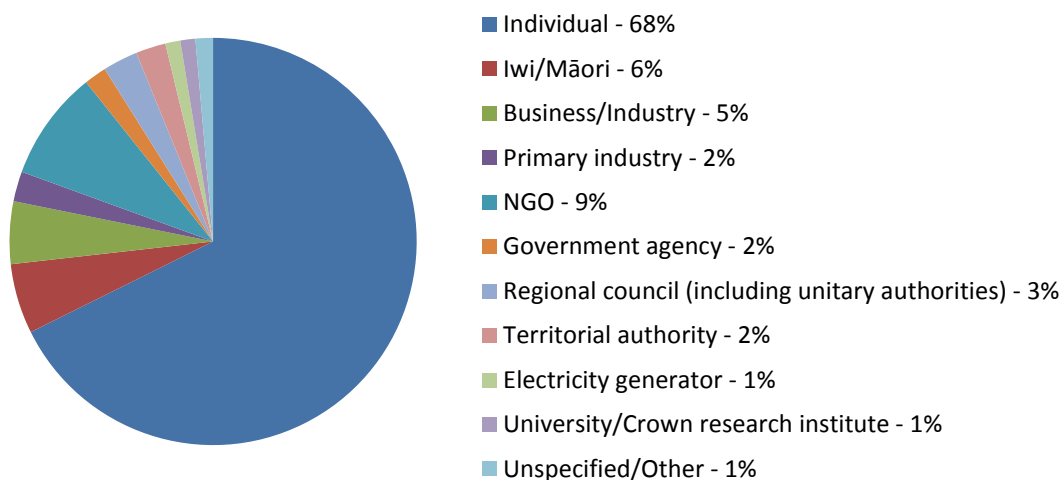
Proposals relating to ‘maintain or improve’ are intended to give regional councils certainty when setting freshwater objectives to maintain water quality, while providing the intended level of flexibility.

The proposals are based, in part, on recommendations from the Land and Water Forum’s (LAWF) second report and the Parliamentary Commissioner for the Environment’s (PCE) 2015 report *Managing water quality: Examining the 2014 National Policy statement*.

Submissions received

There were 2667 submissions that commented on proposals relating Objective A2 – the requirement to ‘maintain or improve’ water quality. Of these, 503 were unique submissions, while the remainder were based on templates from Forest and Bird, the Green Party, or the Morgan Foundation. A breakdown of these submissions by sector is as follows.

Percentage of submissions on maintain or improve by submitter type



Note: All percentages in the following summary analysis exclude template submissions unless otherwise stated (eg, more than 75% support the proposals).³

Maintaining water quality within a freshwater management unit

A large proportion of individual submitters appeared to misinterpret the concept of a freshwater management unit (FMU), and consequently what was proposed. These submissions were opposed to the Government imposing a rigid scale (eg, catchment) within which regional councils would have to maintain water quality. In fact, a FMU is determined by regional councils.

Other submitter types (eg, regional councils, primary sector, NGOs) gave broadly consistent feedback, with around three-quarters expressing support for this proposal. In the context of maintaining water quality, submitters considered a FMU as being better able to reflect hydrology, local issues, and the values of a community than a regional scale. Submissions also considered the proposal to be logical, particularly as it better aligns Objective A2 with other requirements under the National Objectives Framework (for example, setting freshwater objectives, limits, representative monitoring.)

The Parliamentary Commissioner for the Environment, key NGO stakeholders, and the Land and Water Forum (based on their second report) supported this proposal. The proposal is also supported by the majority of the primary industry groups, regional councils, and electricity generators.

Submissions from Forest and Bird, including the template submissions, support the proposal. These submissions generally opposed any potential for trade-offs or 'unders and overs' regardless of scale, and presented concerns that this could still occur within an FMU.

A minority of submissions opposed the proposal, and considered water quality should at least be maintained in every catchment. The most common reason given was the potential for regional councils to set inappropriately large FMUs to mask declines in individual catchments.

³ This is because template submissions make up the vast majority of submissions, and would make it difficult to summarise the views of the full range of submitter types. Template submissions have been considered, and where they expressed a clear view (ie, opposing the use of a 'bands test'), this has been recorded.

An even smaller number of submissions opposed the proposal because it could require maintenance of water quality at too small a scale. They are concerned this will result in varying requirements for resource users within the same catchment, or prevent trade-offs that would otherwise be possible (eg, between catchments).

Maintaining water quality within attribute bands

Submissions on this proposal were mixed, and positions varied across different submitter types. Almost all submissions focused on the use of attribute bands.

Similar to proposal 1.1, a large proportion of individual submitters seemed to misinterpret parts of the NPS-FM and key concepts such as freshwater objectives, attributes and bands.

Submissions on using a 'bands test'

The majority of submissions focused on the use of bands as a test for whether overall water quality is maintained. This means that an attribute band would define the upper and lower thresholds for compliance. Views were divided on the use of the 'bands test'.

Key stakeholders that support using the 'bands test' include: the PCE, the LAWF (based on their second report), electricity generators, and the majority of business and primary sector submissions.

Submissions from iwi/Māori and NGOs tended to strongly oppose use of the 'bands test'.

Template submissions from Forest and Bird, the Green Party, and the Morgan Foundation all opposed the use of a bands test (approximately 2175 submissions).

Other submitter types did not have a clear position and support was mixed, including submissions from local government. Two submissions from the Law Society's Environmental Law Committee, and the Auckland District Law Society welcomed the additional certainty provided by the proposals, while remaining neutral in their support.

The most common reason for opposing a 'bands test' was that the attribute bands defined in Appendix 2 of the NPS-FM are too wide. That is, if water quality could degrade within an attribute band, many submitters considered this would allow a significant decline in water quality. They were concerned that this would be deemed 'maintaining', while the effects on water quality would indicate otherwise.

Submissions from iwi/Māori and NGOs generally requested the word "overall" should be removed from Objective A2. This group of submissions tended to oppose using a 'bands test'. But a smaller proportion of these submissions also supported the use of a 'bands test' and did not see this as inconsistent with removing the word "overall" – including the PCE's submission.

About half of all submissions that supported using the 'bands test' also noted that bands may be too wide, and that this is a risk. These submissions recognised the need for certainty, and allowing regional councils some latitude when 'maintaining' water quality.

Almost all opposing submissions requested that water quality should at least be maintained at its current state, as opposed using a 'bands test'.

A smaller number of opposing submissions noted that where water quality was already in the C band for an attribute, a 'bands test' would allow it to degrade down to the national bottom line.

Submissions on using a 'values test'

Very few submissions commented on the use of the 'values test' when setting freshwater objectives for attributes that are not defined in the NPS-FM. These submissions were all neutral or supportive. These submissions also recognised that a 'values test' is inherently uncertain, because it is difficult to show how well a value is being supported.

Other concerns around uncertainty

Some submissions (including many from local government) noted that the proposals will not address other issues with the meaning of "overall", namely:

- a. whether trade-offs between different attributes and/or monitoring points within an FMU are possible, and if so, to what extent
- b. how councils can establish whether they have 'maintained' water quality, where there are multiple monitoring points and/or water bodies within an FMU
- c. whether a 'bands test' approach is consistent with sections of the RMA – citing the recent Environment Court decision in *Ngati Kahungunu Iwi Inc. v. the Hawkes Bay Regional Council*.

This residual uncertainty led to mixed support from local government. Regional councils tended not to support or oppose the proposals directly, and focussed on this broader issue.

Other related comments

A large proportion of submissions did not comment on the proposals directly, and focused on other issues such as national bottom lines and swimmability. These submissions are considered in other parts of this summary of submissions.

Macroinvertebrate Community Index as a measure of water quality

Overview

The proposals relating to monitoring of macroinvertebrates are:

- 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.*

Background

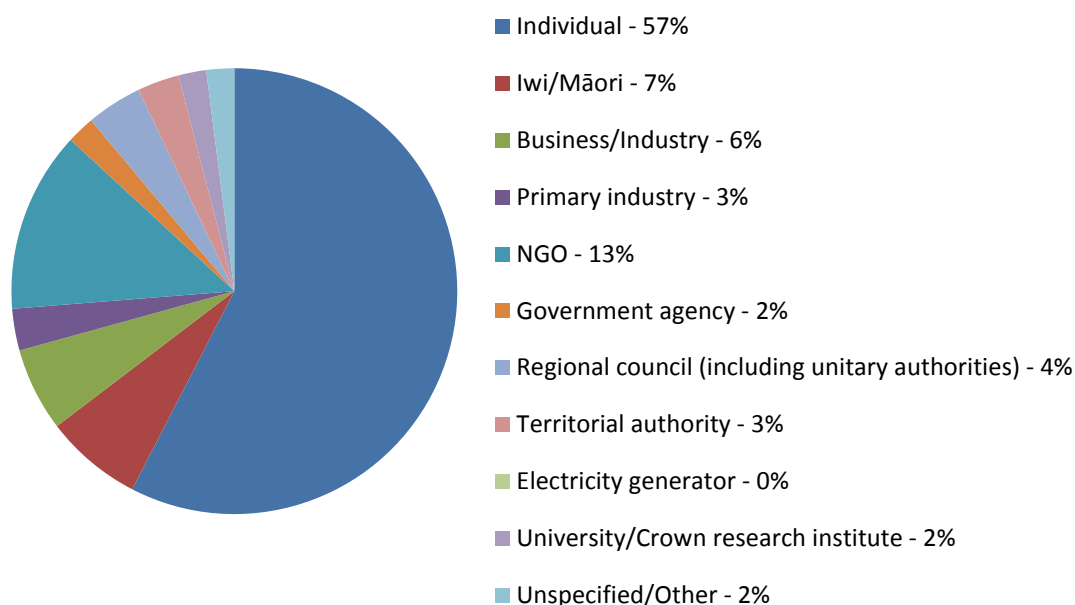
Previous consultation in 2014 revealed widespread support, including from local government and members of LAWF, for the inclusion of the Macroinvertebrate Community Index (MCI) in the NPS-FM, either as a monitoring tool or as a freshwater attribute with a national bottom line.

The MCI was assessed by a science panel as a candidate attribute in 2013. However, it did not meet the guidelines for inclusion in Appendix 2 because the attribute state (ie, MCI scores) could not be adequately linked to management action. Subsequently, Ministers asked officials to progress the inclusion of MCI in the NPS-FM as a mandatory monitoring method.

Submissions received

There were 320 unique submissions directly related to MCI. A breakdown of these submissions by sector is as follows.

Percentage of submissions on Macroinvertebrate Community Index by submitter type



The majority of submissions supported in principle the inclusion of MCI in the NPS-FM as a mandatory monitoring method, with a small minority opposed.

There was broad recognition of the utility of MCI as an indicator of the ecosystem health of rivers but questions were raised about the intention of using MCI as a monitoring method in regulation. Many submitters including universities, NGOs and councils expressed a view that other indicators must also be part of any new monitoring requirements in relation to ecosystem health of rivers.

Opponents of the proposal suggested that further technical work on MCI was required before including it in regulation.

A number of submissions indicated that their support for the proposal was conditional on further information being provided on how MCI would be regulated in the NPS-FM. For example, some submitters indicated there was a lack of clarity on the policy intent of the proposal and regional councils requested more details about how the mandatory monitoring requirement would fit within the structure of the National Objectives Framework. A Crown research institute also suggested that a section 360 regulation might be a more appropriate policy instrument for regulating the monitoring of MCI.

Many submissions noted that MCI is already being used by the majority of councils and that there is much experience using the indicator in the context of freshwater management in New Zealand. However, some regional councils raised concerns about the potential cost implications of the proposed MCI regulations and insisted that new regulations should allow flexibility for councils choose the most suitable approach for monitoring macroinvertebrates and ecosystem health within each FMU.

Key issues and themes raised in the submissions included the:

- a. need to improve the standards and protocols for collecting and analysing macroinvertebrates samples to ensure MCI data is accurate
- b. need account for spatial variability, stream type, land-use practices, and other factors that influence MCI scores in regulating MCI
- c. importance of not using MCI isolation for assessing ecosystem health and how other indicators may also be used. Suggestions from submitters included using QMCI, SQMCI, EPT taxa richness, sediment, fish indices, periphyton, Lake SPI, Stream Ecological Valuation, and the natural character index
- d. desire for iwi and communities to be involved in the monitoring of water quality and ecosystem health to complement scientific analysis.

A significant number of iwi submissions requested that cultural indicators should also be used as part of monitoring of ecosystem health. One council specifically requested guidance on the use of indicators for mahinga kai (food gatherine).

The three form templates from Forest and Bird, the Green Party, and the Morgan Foundation all indicated their support for the proposal to include MCI in the NPS-FM.

The majority of regional councils expressed support for proposal 1.4 to investigate the potential development of a macroinvertebrate attribute but requested the opportunity to be directly involved in its development. A small number of submitters questioned if it will ever be possible to develop a suitable macroinvertebrate attribute that is responsive to management actions. Some councils and NGOs wanted MCI included as an attribute immediately.

Significant infrastructure and water quality

Overview

The proposal relating to significant infrastructure and water quality is:

- 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.*

Background

The potential need for exceptions to bottom lines was initially addressed by LAWF in their second report in 2012. The report states the exceptions should only be made in rare circumstances and defined in a national instrument.

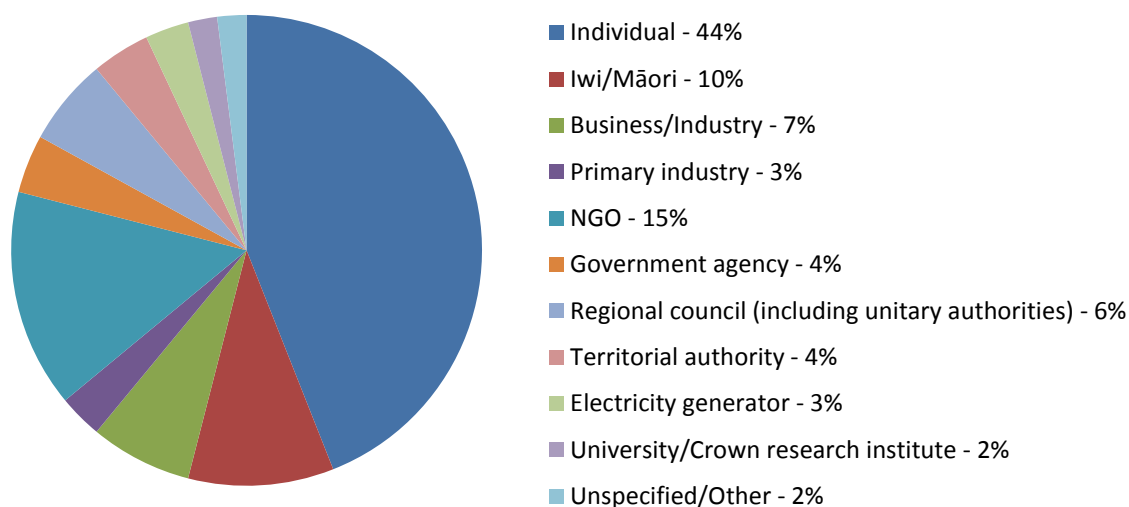
We consulted on an exceptions policy in 2013, proposing freshwater objectives could be set below bottom lines if current water quality is below bottom lines as a result of natural processes, historical activities, or the presence of infrastructure. In 2014, the NPS-FM was amended to provide councils an option of setting freshwater objectives below national bottom lines if the existing water quality is already below bottom lines, which is caused by naturally occurring processes or if existing infrastructure listed in Appendix 3 of the NPS-FM contributes to the degraded water quality. Appendix 3 was not populated in 2014 and it remains empty.

In 2015, we conducted targeted consultation with iwi authorities, regional and territorial authorities, and hydroelectricity generators about Appendix 3. No parties were able to provide water quality data demonstrating infrastructure was causing water quality to be below national bottom lines, though some submitters suggested that it would be. Hydroelectricity generators expressed concern about the regulatory uncertainty represented by an unpopulated Appendix 3.

Submissions received

There were 191 unique submissions directly related to the significant infrastructure and water quality. A breakdown of these submissions by sector is as follows.

Percentage of submissions on significant infrastructure and water quality by submitter type



The majority of submissions made on the significant infrastructure and water quality proposal strayed outside of the proposal, which relates only to the evidence councils or infrastructure owners would be required to provide upon an application to list infrastructure in Appendix 3 of the NPS-FM.

Of those submitters who did address the content of the proposal directly, most supported the information requirements set out in *Next steps for fresh water: Consultation document*. Suggestions for additional information requirements included:

- a. an analysis of the environmental impacts of the infrastructure
- b. the economic cost of meeting national bottom lines
- c. the role of the infrastructure owners in the process of identifying values
- d. what proportion of the degradation of water quality is caused by the infrastructure.

Many submitters supported the intent of the proposal but stressed that Appendix 3 should be populated sparingly, or else the intent of national bottom lines would be undermined. Others suggested the proposal should only apply in exceptional circumstances.

It was suggested by submitters that a definition of 'significant infrastructure' should be included in the NPS-FM and include a reference to the infrastructure being of national importance. Others felt the threshold should be 'regionally significant'.

Submitters suggested the threshold for inclusion in Appendix 3 be raised from significant infrastructure 'contributing' to the degradation of the water quality to being the 'cause' or a 'significant cause' of the degradation.

Eighteen submitters opposed the policy of permitting setting freshwater objectives below national bottom lines. Others suggested that timelines should be put in place to bring the water quality in the relevant water bodies above national bottom lines, akin to the intent behind Policy CA4, which permits setting objectives below bottom lines on a transitional basis.

Submitters noted the necessity of clearly defining 'significant infrastructure'. It was requested that a definition of 'existing significant infrastructure' make clear it means infrastructure that existed in 2011 when the NPS-FM was first gazetted.

A majority of territorial authorities submitted that the definition should include municipal water infrastructure. It was also queried whether it should include transport networks.

There was support for central government deciding on listing infrastructure in Appendix 3 following public consultation.

Individual councils raised the following points:

- Councils should only be able to set freshwater objectives below national bottom lines for specific attributes that are affected by the infrastructure. Those attributes should be listed in Appendix 3.
- The infrastructure must be nationally significant and this should be more clearly defined.
- Councils should participate in the development of a process to assess an application.
- Applications should make clear the effect of infrastructure on water quality and whether bottom lines could be met in the future.
- Tying the application process to the limit-setting process could potentially cause significant delays to the latter.

The proposal also attracted substantive submissions from electricity generators and/or retailers. Submissions from this sector mostly opposed the proposal, and expressed the following views:

- The evidential requirements suggested in the proposal are more onerous than those required of similar, resource management applications. The assessment criteria should be the principles Resource Management Act decision-makers are required to consider.
- Central government should either populate Appendix 3 itself in upcoming NPS-FM amendments or require councils to recognise other national policies and targets when considering applying to list infrastructure in Appendix 3.
- An unpopulated Appendix 3 meant regional councils could not implement the policies of the NPS-FM *and* the NPS for Renewable Electricity Generation.
- An application should consider the extent infrastructure would be able to operate if freshwater objectives meeting national bottom lines are set, and also given to the extent of degradation that is caused by the infrastructure.
- The evidential requirements of applications should be commensurate to the size and impact of the infrastructure.
- A call for the establishment of 'special FMUs' where continued use of infrastructure means national bottom lines cannot be met.
- Suggestions for particular schemes to be included.

Coastal lakes and lagoons

Overview

The proposals about intermittently opening and closing lakes and lagoons (ICOLLs) and Appendix 4 in the NPS-FM are to:

- 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.*

Background

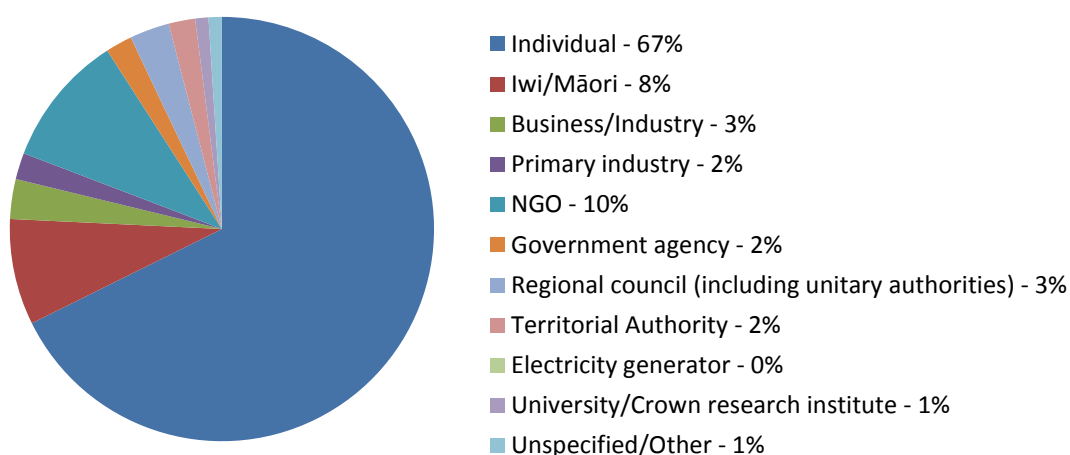
The proposal to apply lake attributes to ICOLLs was made to remove an ambiguity in Appendix 2 of the NPS-FM, which was identified by Environment Canterbury. An advisory group with scientific expertise in both estuaries and lakes recommended that the lake attributes should apply to ICOLLs. The views expressed in this consultation are consistent with the feedback interested parties gave to the Ministry for the Environment in preliminary discussions in 2015.

Submissions received

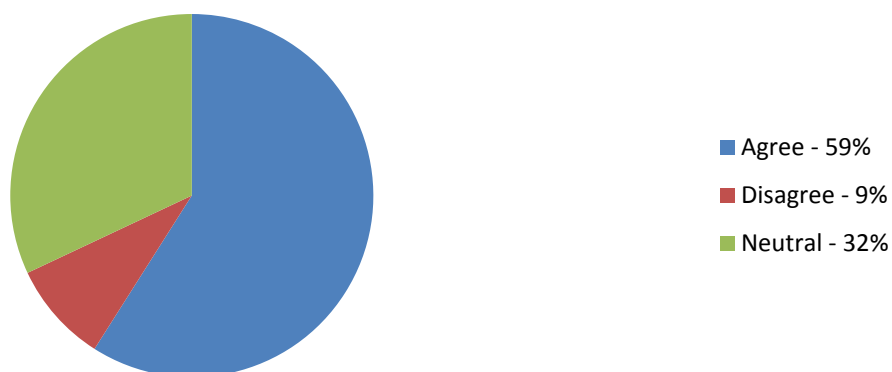
ICOLLs

There were 292 unique submissions about the attribute tables for ICOLLs. A breakdown of these submissions by sector is as follows.

Percentage of submissions on ICOLLs by submitter type



Percentage of general response to proposal on ICOLLs



The submissions in support of the proposals observed that applying the national bottom lines to ICOLLs would provide ICOLLs with the same protection as other lakes and would provide clear direction to councils. They felt that ICOLLs are important ecosystems and that without clear bottom lines there would be uncertainty about what standards would be needed for these lakes.

The proposals were supported by iwi, several regional councils and several city and district councils, all of whom have responsibilities for managing ICOLLs. Important scientific institutes, primary industry groups, and NGOs also supported the proposals.

Environment Canterbury, which has three ICOLLs in its region, was the only regional council submitting in opposition to this proposal. Their concern was that the council and affected communities have embarked on a significant programme of engagement to make decisions for the management of these lakes. In their view, “All this work – the exhaustive scientific assessments, careful deliberation, and hard-won community agreement – would potentially be jeopardised” by requiring them to now set objectives to achieve national bottom lines. They also stressed that this proposal could also impose significant costs for the council.

Reasons given by others who submitted in opposition were that decisions about water quality objectives should be made by councils and their communities rather than by being directed to meet national bottom lines. They felt that these water bodies have locally specific characteristics and therefore need locally derived and mandated decisions.

Only one iwi (Tainui hapū) submitted in opposition to the proposal. Their concern was that lagoons provide for food gathering and that the kaitiaki with 60 years’ experience in monitoring waterways needs to be recognised. Similarly, the Hokotehi Moriori Trust identified the cultural importance of Te Whānga for Moriori but raised concerns around the need to be involved in decision-making processes covering the lagoon.

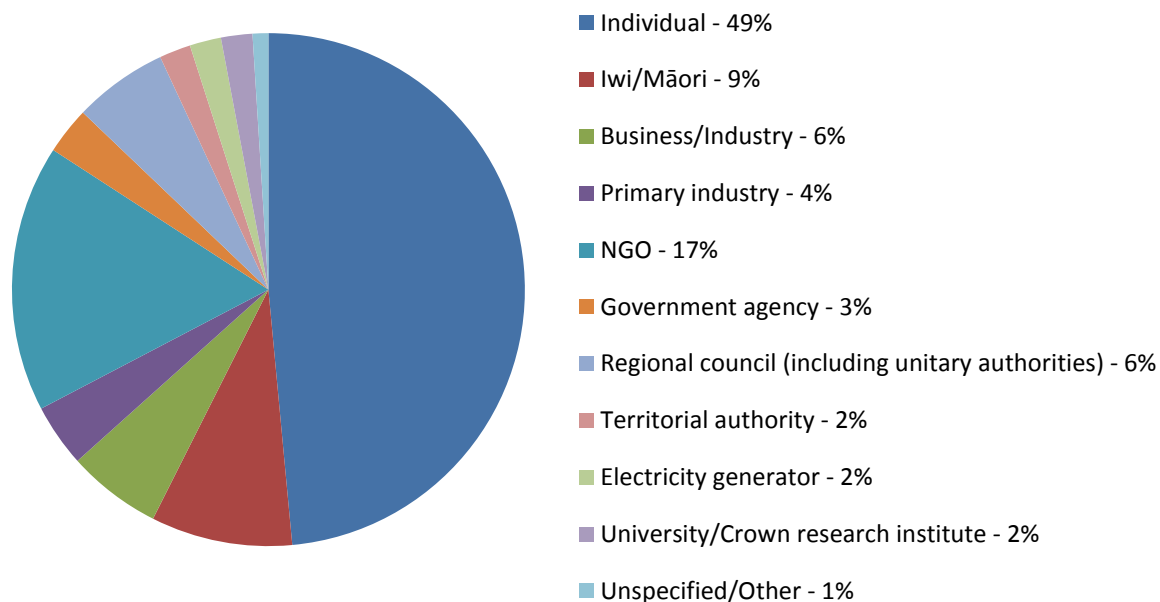
Submitters both in opposition and support wanted information about the existing state of each of the ICOLLs and how that related to the national bottom lines. Submitters wanted further consultation about this proposal to include this information as well as the consequences of applying the lake attributes to ICOLLs.

Many individuals and some organisations misunderstood ‘opening and closing’ to mean closing a lake because it was unsafe for swimming, or that the NPS-FM would direct the opening of lakes to the sea during floods. Others did not understand why some coastal lakes, such as Lake Onoke, were not mentioned (Lake Onoke is defined as being within the coastal marine area in the Wellington Coastal Plan).

Appendix 4

There were 120 submissions about the use of Appendix 4 and the type of evidential thresholds that could be applied. A breakdown of these submissions by sector is as follows.

Percentage of submissions on Appendix 4 and evidential thresholds by submitter type



Themes from comments about enabling the use of transitional objectives by listing a water body in Appendix 4 included the following:

- Any water body listed in Appendix 4 should be truly exceptional based on conclusive evidence.
- The requirements to improve the water quality should still apply.
- Listing a water body in Appendix 4 would undermine the national bottom lines and would shift problems to future generations.
- Restoration may be challenging or unrealistic for lakes that have crossed an ecological threshold.
- Transitional objectives can be used as an example of how to get things on the right track.
- Urban streams and other water bodies should also be eligible.
- Appendix 4 recognises that the pace at which improvements to water quality can be achieved in ICOLLs can be considerably longer than other water bodies.

Councils, iwi and key primary industry groups supported the use of Appendix 4, while presenting some caveats around how transitional objectives would be applied.

Other suggestions for matters to consider when deciding whether a water body should be included in Appendix 4 included the following:

- The water bodies' ecological state and trend that is, consequences of continuing to not achieve bottom lines.
- The values associated with the water body and impact on them from a prolonged period below bottom lines.
- The current and future intensification pressure.
- How feasible it would be for bottom lines to be met in the short-term.
- Other policies or mechanisms that are established to help maintain water quality (ie, good management practices).
- The objectives and timeframes for meeting bottom lines.
- The impacts on local communities.
- Evidence of what is required to improve the lake quality and evidence that all potential options have been examined.
- The effects on public health of remaining below national bottom lines.
- Evidence of consultation and why further time is necessary.
- The existence of exceptional circumstances for not achieving national bottom lines.
- The presence of threatened species in the water body.
- Threats to outstanding landscapes and wetlands.
- The net economic value, including ecosystem services of the water body.
- Stipulations that the water body must not be allowed to degrade further.
- How the decision incorporates specific consultation with relevant iwi and hapū and includes the views of local kaitiaki.

Stock exclusion from water bodies

Overview

The proposal relating to stock exclusion is:

- 1.8 Create a national regulation that requires exclusion of dairy cattle (on milking platforms) from water bodies by 1 July 2017, and applies to all other cattle, deer and pigs on plains and rolling hills at later dates.*

Background

In 2014, the National Party announced that it planned to put in place a national regulation requiring the exclusion of dairy cattle from waterways by 1 July 2017. The intention was to extend this requirement to other cattle in lowland areas over time.

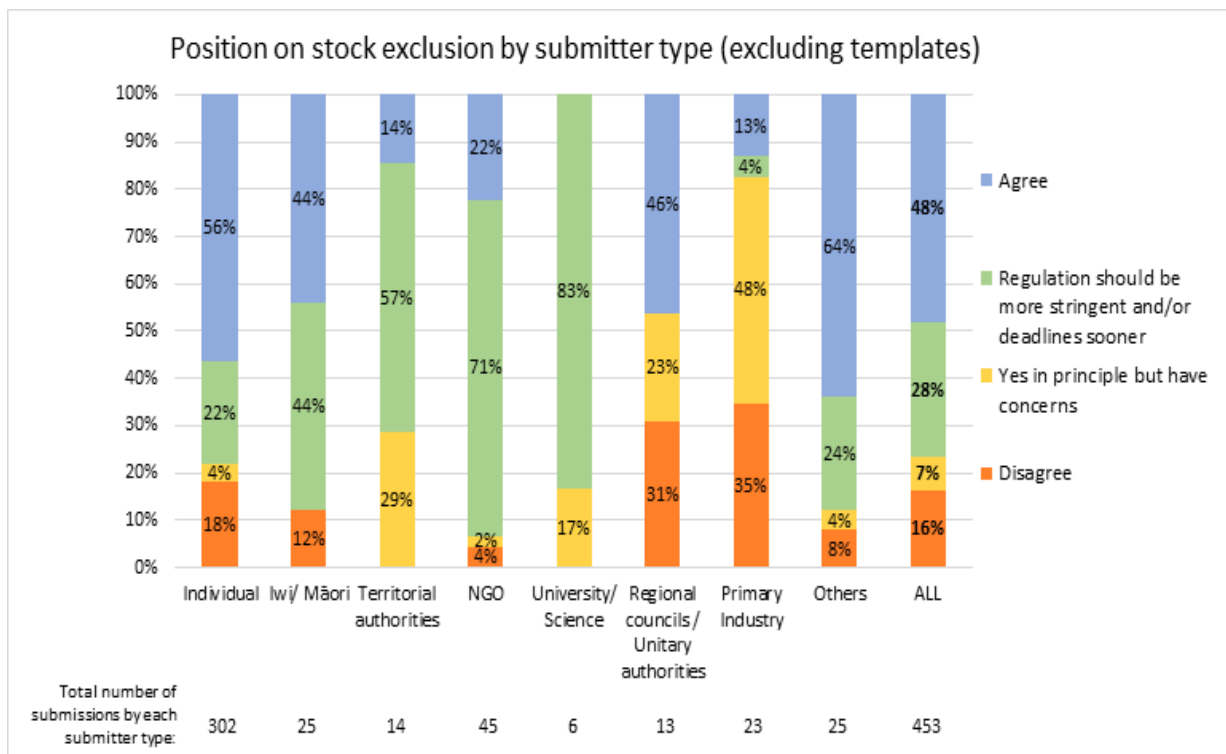
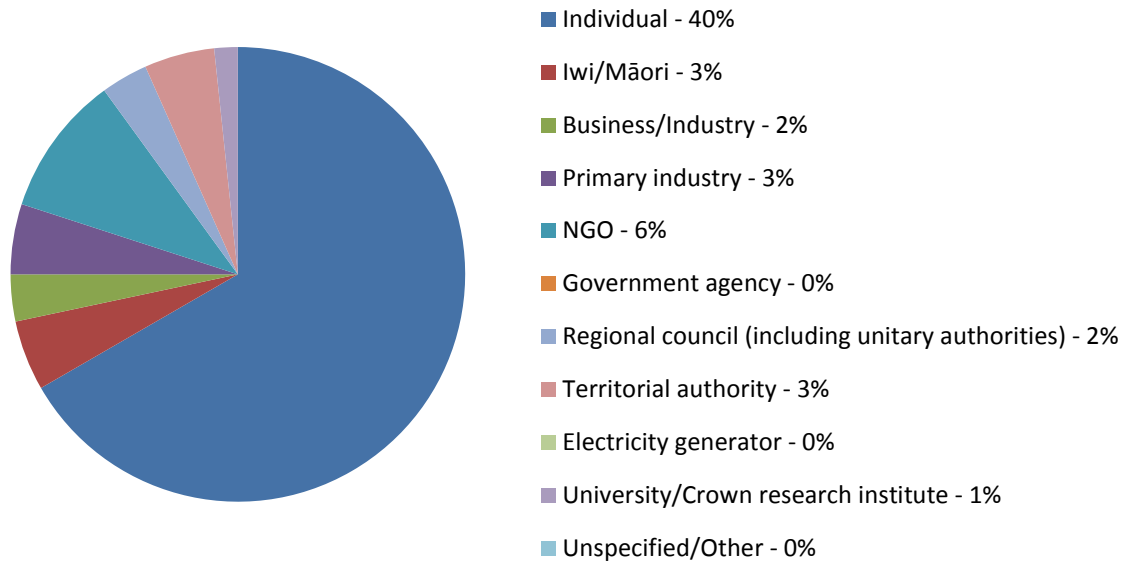
In its fourth report, LAWF recommended that a stock exclusion regulation should apply to dairy cattle, beef cattle, deer and pigs on plains and rolling hills, on a staggered timeline up to 2030. LAWF also provided recommendations on aspects of a regulation such as which types of water body the requirements would apply to, and how exclusion would be required to be achieved.

The proposal consulted on was based upon these recommendations from LAWF.

Submissions received

There were 757 submissions directly related to stock exclusion. A breakdown of these submissions by sector is as follows.

Percentage of submissions on stock exclusion from water bodies by submitter type



Respondents agreed that stock exclusion is a beneficial practice. The majority of individuals and a number of iwi/Māori and local government organisations agreed with the stock exclusion proposals.

Environmental NGOs and many others wanted the regulation to be more stringent and/or the deadlines earlier. Primary industry organisations and councils expressed concerns around the lack of flexibility of a national regulation and the cost implications for farmers.

A number of local government and primary industry stakeholders requested that Government work with them on the proposals to ensure their feasibility.

Greater stringency

The majority of NGOs plus a significant number of individuals, iwi/Māori groups, territorial authorities, and scientists submitted that the deadlines for compliance should be earlier and/or the regulation should be more stringent.

Many respondents saw the deadlines as too far away, allowing further degradation of fresh water. Some questioned why a differentiation was made between the two types of dairy support, and requested that all dairy cattle be excluded from water bodies by 2020, and beef cattle and deer by 2025.

An argument was put forward by scientists and research organisations (including NIWA), plus several councils, for smaller streams to be included in the regulation. Small headwater streams are important for biodiversity and can be critical source areas for contaminants. Research has shown that mitigations can be most effective in headwater streams.

Practicality issues

Local government and primary industry respondents expressed concern about the lack of flexibility of a national regulation. The cost of stock exclusion can be high (financial costs but also environmental problems such as weed invasion⁴ and erosion⁵) and this may not be justified by the environmental benefit in all cases, particularly where:

- a. farming is extensive (low stocking densities)
- b. water quality is good and not declining
- c. costs of stock exclusion are particularly high (eg, due to the topography or where regular flooding events would damage fences).

Some respondents, including some regional councils, disagree in principle with the concept of a national stock exclusion regulation. Others agree in principle, as long as the regulation is able to take into account variation in circumstances (eg, an exemptions regime is put in place). Respondents from the West Coast in particular were concerned that their farmers would not be able to comply with the proposed rules due to the unique topography of the area.

Respondents showed a clear preference for the exclusion of stock by any effective method being required rather than specifying that this must be achieved by fencing. This is in line with LAWF recommendations.

Primary industry groups and regional councils expressed reservations around the slope-based approach. There was concern that an intra-farm classification could lead to intermittent fencing due

⁴ This is a biosecurity issue but can also exacerbate flooding: weeds can slow the flow of water and block the channel reducing its capacity for flood flows.

⁵ Where fence lines need to be bulldozed.

to variation in slope along a waterway, and that it may not be easy for farmers to know where on their farm the rule applies.

A number of councils, scientists and primary industry respondents suggested that the rule should be based on intensity (stocking density) instead of, or as well as, slope.

Riparian management

Many respondents pointed out the benefits of planted riparian buffers for water quality and the local environment. There is general agreement amongst primary industry groups and scientific organisations that it is not appropriate to have a national standard or requirement for riparian management. However, there is still a desire for the establishment of planted riparian buffers to be encouraged in some way. Many submitters would welcome the development of a riparian assessment tool to assist landowners, as proposed by LAWF in their fourth report.

Economic use of fresh water

Technical efficiency standards

Overview

The proposals relating to technical efficiency standards are:

- 2.1 *Require councils to apply technical efficiency standards in catchments that are at, or approaching, full allocation of water.*
- 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.*

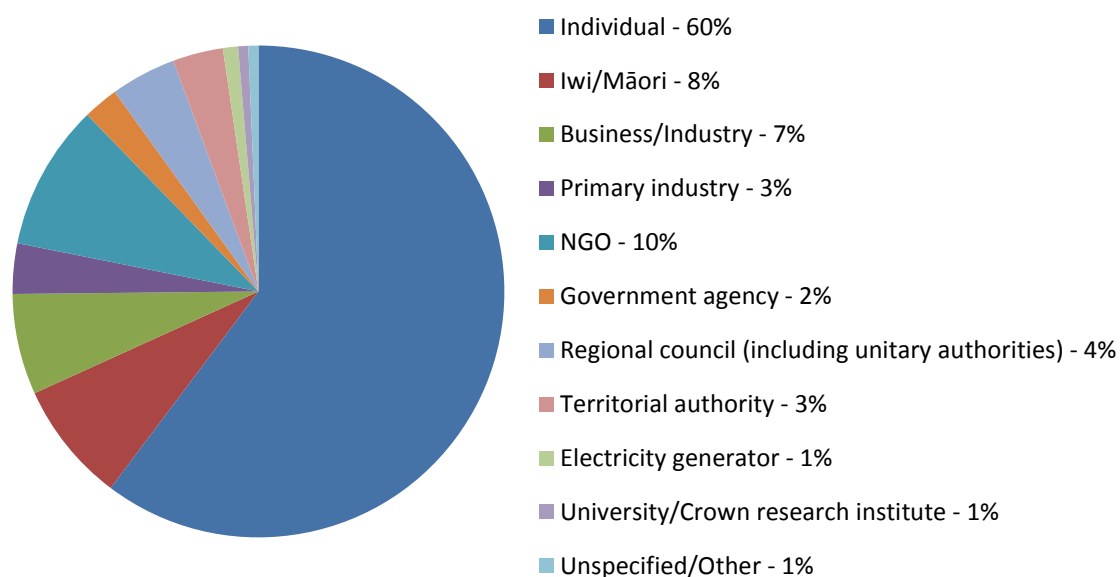
Background

The Government proposed the development of technical efficiency standards to help address over-allocation, and free up water for new users. In catchments that are at or approaching full allocation, or are over-allocated, councils would be required to apply the technical efficiency standards over time. A similar proposal was previously consulted on in 2013. LAWF has also presented some recommendations on this subject, saying that technical efficiency standards would be useful.

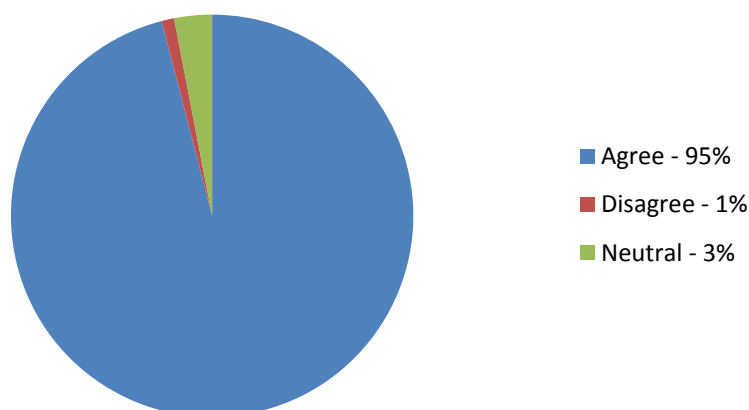
Submissions received

There were 576 submissions directly related to the proposal to develop technical efficiency standards. A breakdown of these submissions by sector is as follows.

Percentage of submissions on technical efficiency standards by submitter type



Percentage of general response to proposal on technical efficiency standards



There was strong support from submitters for the proposal to develop technical efficiency standards.

Overall, submissions supported the development of technical efficiency standards primarily as they will provide a nationally-consistent approach to technical efficiency which avoids duplication. Many submissions expressed the need for standards to apply to all water users in both urban and rural areas, regardless of water availability.

Many submissions recommended technical efficiency standards should apply to all water users in both urban and rural areas, regardless of water availability. Submissions also recommended that initial work is needed to clearly define 'value' and 'efficiency', as well as provide a clear methodology, appropriate models, and sound data to support the standards.

Some iwi submissions proposed that in some cases, consideration should be given to allocating water resources to local iwi when water resources have been freed up by improved technical efficiency. Submissions also recommended that the standard should give effect to Te Mana o te Wai as well as safeguard water resources for domestic purposes, such as for municipal and rural drinking water supplies.

In terms of who should be involved in developing technical efficiency standards, the majority of submissions recommended a collaborative process should be coordinated by the Government and should include iwi/hapū, industry groups, sectors, research institutions, councils and other end users. Some submissions also suggested the use of a technical advisory group.

When asked how standards should be applied to consents, submissions recommended a transitional approach which acknowledges the nature of existing and future investments. It was also recommended that when significant investment has occurred or is required, long-term consents should be considered to provide more investment certainty and an incentive to invest in greater technical efficiency.

Some submissions raised concerns that generic standards are unable to effectively address local contexts. Some submissions also cautioned that before developing any standards, there is a need to fully understand the complexities and science underpinning computer models.

Good management practices

Overview

The proposals relating to good management practices (GMPs) are:

- 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.*

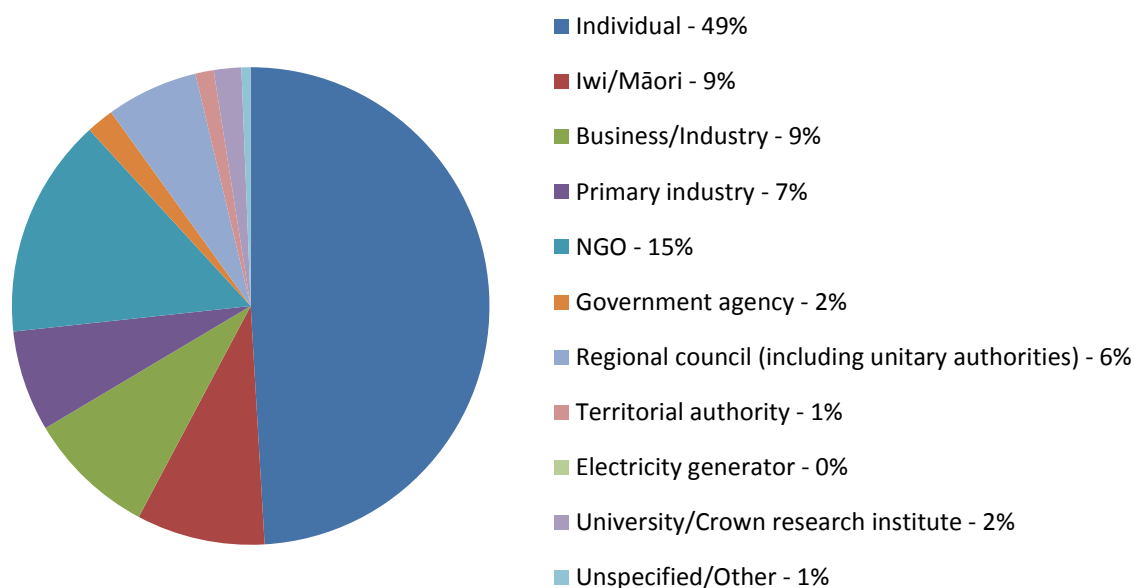
Background

The Government proposed to consult with industry to develop GMP standards for discharges of contaminants to water for different sectors, climate and soil types. Where councils have chosen to allocate nitrogen and catchments are at or approaching full allocation, or are over-allocated, councils would be required to apply the standards over time. The GMP standards would provide guidance to councils for managing diffuse discharges even when they are not allocated, as they can inform requirements in regional plans, or consent conditions.

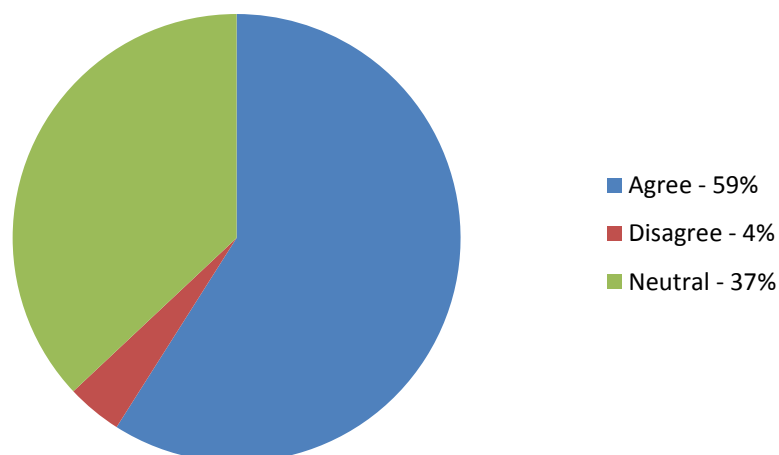
Submissions received

There were 164 submissions directly related to the proposal to develop GMP standards. A breakdown of these submissions by sector is as follows.

Percentage of submissions on GMPs by submitter type



Percentage of general response to proposal on GMPs



Overall, the majority of submissions supported the development of a nationally-consistent approach to GMP, with many recommending their application to all catchments irrespective of water quality status. There was also a common expectation that GMPs should not solely apply to rural areas, and that specific practices – such as water sensitive design – should be developed for urban areas.

Many submissions also recommended that GMP should build off existing industry and council GMP frameworks – for example, the Environment Canterbury Matrix of Good Management (MGM) and independently audited self-management (IASM) schemes – and should be flexible enough to allow for innovation, continuous improvement, and be able to address specific regional/local contexts.

Submissions from iwi groups highlighted the opportunity for GMP standards to give effect to Te Mana o te Wai, as well as provide iwi and hapū with increased ability to access discharge rights as existing users reduce their impact on the environment.

In terms of who should be involved in developing GMP, the majority of submissions recommended a collaborative process should be coordinated by central government, and it should include iwi/hapū, industry groups, a variety of sectors, research institutions, councils, and end-users. Some submissions also suggested the use of a technical advisory group.

When asked how standards should be applied to consents, submissions were in favour of applying standards on issuing, changing, transfer or renewal of consent. Some submissions recommended that standards should be applied as soon as they are developed, and that provisions to review long-term consents should be applied.

Concerns were raised about the effectiveness of GMP to sufficiently address water quality issues. These submissions stated that if GMP standards are to be effective, they need to be implemented alongside other measures such as ongoing guidance, sector and council capacity and capability building, incentives for consent holders, and the development of best management practices to further enhance water quality.

Transferring consents to more efficient, higher valued uses

Overview

The proposal relating to transferring consents to more efficient, higher valued uses is to:

- 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.*

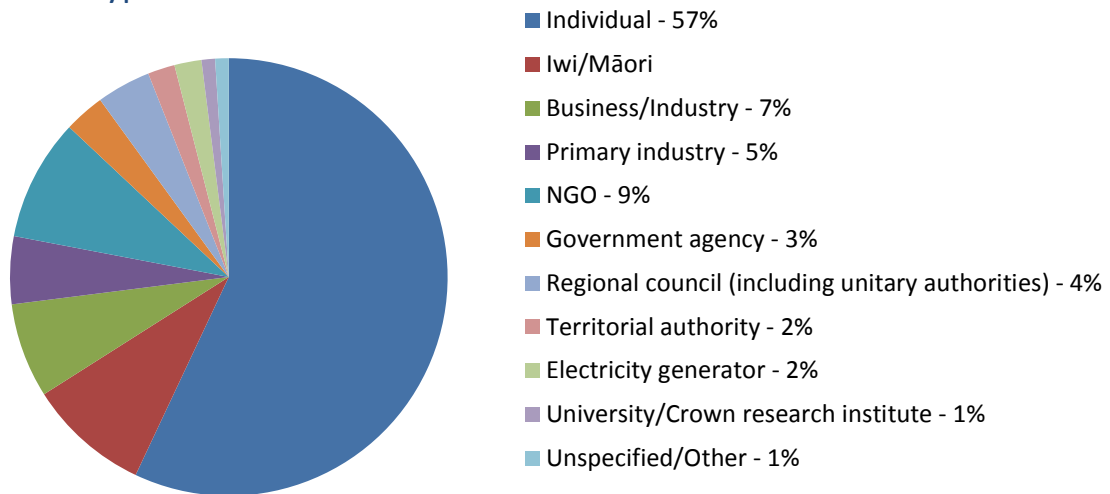
Background

The proposals were originally built on recommendations presented by LAWF in the group's third and fourth reports. Recommendation 25 from LAWF's third report stated that "water...needs to be easily transferable between users, to allow it to move to its highest valued use...The design of the allocation system should remove administrative barriers to transfer and trading." The discussion of this recommendation also describes that consents should be standardised, making provisions for trading these consents. LAWF's fourth report also discusses how to facilitate transfers, saying that lack of access to information creates a barrier to transfers.

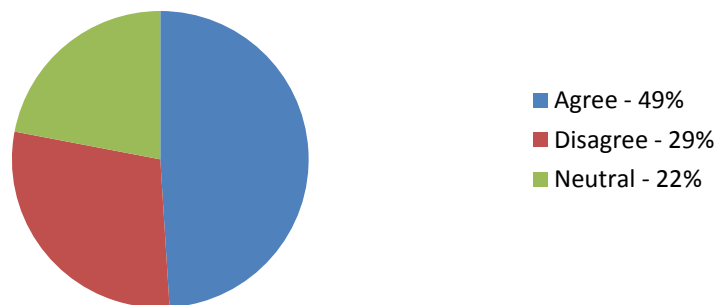
Submissions received

There were 279 submissions directly related to consent transfers. A breakdown of these submissions by sector is as follows.

Percentage of submissions on consent transfers by submitter type



Percentage of general response to proposal on consent transfers



Individuals, business and industry, primary industry groups and electricity generators largely agreed to enabling transfers in principle, however many presented strong caveats. Submissions from iwi presented mixed views but the majority disagree with this proposal, particularly as it forms a part of a wider allocation discussion and therefore consideration may be premature. NGOs were evenly split in their views.

Many submitters were concerned with possible market failure in the event that government would consider pricing mechanisms. Many submissions, including those from primary industry groups, compared a water pricing regime to the perceived 'failure' of the New Zealand Emissions Trading Scheme, saying that it would only allow businesses to capitalise on their allocations without having any positive environmental impacts. The majority of iwi submissions raised concerns around market systems, as did key primary industry groups.

Several submitters noted the challenge around pricing with limited term consents. Essentially, they pointed out that any potential markets would be skewed by the remaining timeframe of the consents. A number of concerns were raised around the concept of 'water barons' or speculation in

water markets. While some discussed how a market system might lead to efficiency in times of resource surplus, others argued this would possibly exacerbate the effects of drought and water scarcity as there would be less 'buffer' built into the system.

There were also concerns about administrative transfers, citing their drawbacks according to theories on economic efficiency and certainty for landowners. Several NGOs called for marketisation as an administrative transfer system would be inefficient and effectively create shadow prices, giving windfalls to current users. One primary industry group stressed that any policy should make it clear how the conditions of the consents might change at the time of temporary or permanent transfer, as the original consent holder would require certainty that they would get their original allocation back after a temporary transfer.

A submission from a regional council also questioned the need for a consistent approach, as standardising consent specifications would be 'incapable of resolving the complex values-based challenges' inherent in transferring consents. They also described little interest in transfers in their region, questioning the scale at which the Government could reasonably expect transfers to higher-valued uses to take place.

Many submitters were open to the idea of improving transfers but only if the transfers ensured better environmental outcomes. There were considerable concerns that transfers would favour intensive land uses and produce negative environmental outcomes. The Waikato region was used as an example several times where transfers led to intensification and have had negative environmental impacts.

A number of submissions raised questions about how transfers would interact with the proposed good management practice and technical efficiency standards.

Regarding separating 'take and use' elements of consents, the submissions were quite mixed, many strongly in favour and many wholly against.

NGOs and many others called strongly for national guidance in administering transfers. Some also argued that making allocation information public would be valuable in creating the necessary infrastructure for transfers and would create a normative incentive for conservation. There was some interest in a centrally provided online tool for recording transfer of water as a means of enabling efficient water transfer, avoiding the need for councils to separately develop their own systems.

Several submitters – mostly regional councils and NGOs – promoted the use of water user groups to support easy transfers.

Addressing over-allocation and over-use at least cost

Overview

The proposal relating to transferring consents to more efficient, higher valued uses is to:

- 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.*

Background

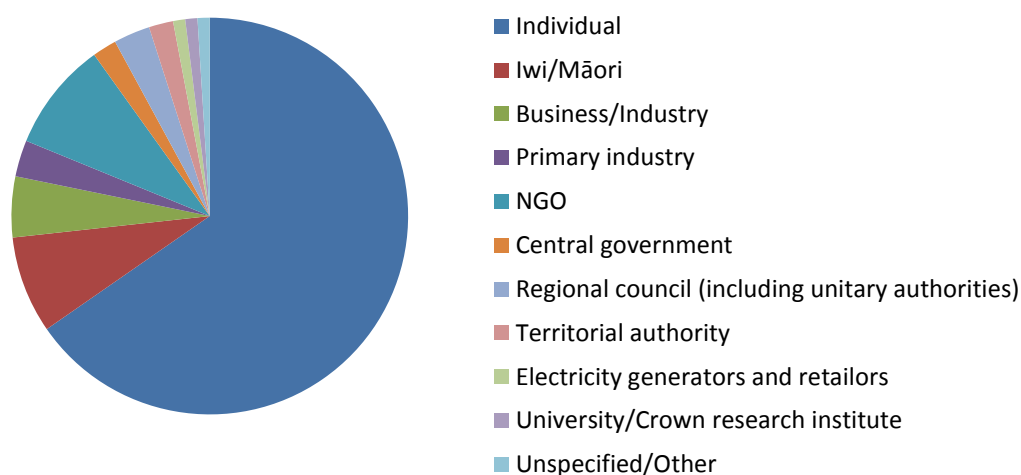
This proposal builds on LAWF's fourth report. LAWF considered methods for addressing over-allocation in 2015, and provided some potential approaches that councils could use (Recommendation 55).

The *Freshwater Reform 2013 and Beyond* document also outlined a proposal to provide guidance on addressing over-allocation as a 'next steps' reform.

Submissions received

There were 2153 submissions directly related to addressing over-allocation. A breakdown of these submissions by sector is as follows.

Percentage of submissions on addressing over-allocation and over-use by submitter



The small number of submissions in opposition (and some in support) thought that a combination of policy approaches are needed to address over-allocation including laws and rules (mainly iwi/Māori and NGO submitters), and buy-back of allocation or development of water storage infrastructure (mainly individual and primary sector submitters).

The substantive submissions in support agreed that guidance to councils would be useful and constructive, and would build on experience to date. Local government groups thought legislative amendments would be needed to help address over-allocation including better enabling clawback of allocated resources, and common consent expiry dates. Some iwi/Māori submitters considered that more iwi involvement is needed in council management of over-allocation.

The submissions were largely supportive of the proposal to provide guidance to councils, with a number noting that supporting measures will assist in addressing over-allocation for example, through the proposed fund and water storage infrastructure. Others wanted a stronger regulatory approach to addressing over-allocation.

Council funding for freshwater management

Overview

The proposal relating to enhanced cost recovery for monitoring, enforcement, research and management is:

- 2.6 Increase the ability of councils to recover costs from water users for monitoring, enforcement, research and management.

Background

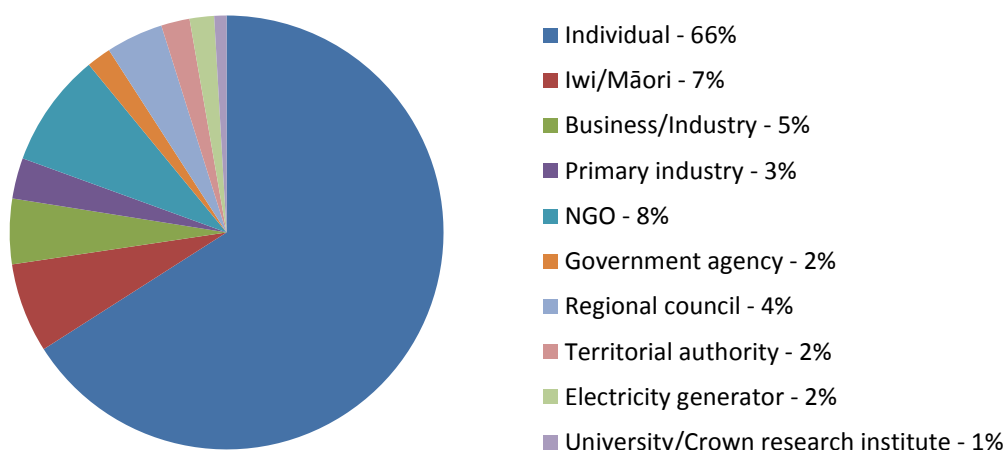
Councils have previously described the difficulties around meeting the additional costs required to effectively implement an improved freshwater management system, including the challenge of finding the right balance between using funds from ratepayers and resource users.

A relatively narrow cost recovery proposal is included in the Resource Legislation Amendment Bill, empowering councils to charge for monitoring any permitted activities specified in a national environmental standard. Submissions from a previous consultation on the Bill have been largely supportive of the proposal. Currently cost recovery for monitoring permitted activities is not specifically enabled in the Resource Management Act (RMA).

Submissions received

There were 344 submissions directly related to cost recovery. A breakdown of these submissions by sector is as follows.

Percentage of submissions on cost recovery by submitter type



The submissions in opposition wanted to maintain the *status quo* (or to impose *more* discipline on council cost recovery practices). However, some submitters considered that further investigative work is needed to determine if there really is a significant issue associated with cost recovery for water management, and requested that central government officials work closely with councils and stakeholder groups if the proposal is progressed.

The reasons they gave included:

- a. Councils already have sufficient tools to recover relevant costs from consent holders; and ratepayers (or central government) should bear the remaining costs. Some considered that it would be better to improve council use of existing cost recovery mechanisms for example, two submitters cited duplication of effort, with both consent holders and the council monitoring the same things.
- b. Changing cost-recovery mechanisms may impose unfair or excessive costs on particular groups (eg, electricity generators were concerned that they would be charged based on their water allocation, some individuals were concerned about volumetric charging for domestic water and waste water; some territorial authorities were worried about increased charges for storm water or sewage treatment discharges; and some submitters were concerned farmers would face both increased council costs and on-farm costs to reduce discharges).

Most of the substantive submissions in support of increased council flexibility for cost recovery were aware of the difficulty of equitably allocating costs between resource users and ratepayers. Some regional councils noted the difficulty of shifting some expenses to users (eg, research) and the community-wide spread of the benefits of good water management.

Thirteen substantive submissions across a range of stakeholder groups argued that the RMA should be amended to enable councils to charge cost recovery for monitoring permitted activities. Many of the submissions in support thought users or polluters should pay for the expenses specified in the proposal, plus a resource rental. These included submissions from individuals, NGOs and iwi/Māori groups.

The substantive submissions in support of the proposal provided suggestions for extending statutory cost recovery provisions. These include consideration of charging for monitoring of permitted activities (including potentially those not covered by a national environmental standard), and investigation of alternative models for cost recovery (eg, the levy on owners of fish quota for scientific research, and the charges enabled under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012).

Iwi rights and interests in fresh water

Te Mana o te Wai in freshwater management

Overview

The proposals relating to 'Te Mana o te Wai' are to:

- 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.*

Background

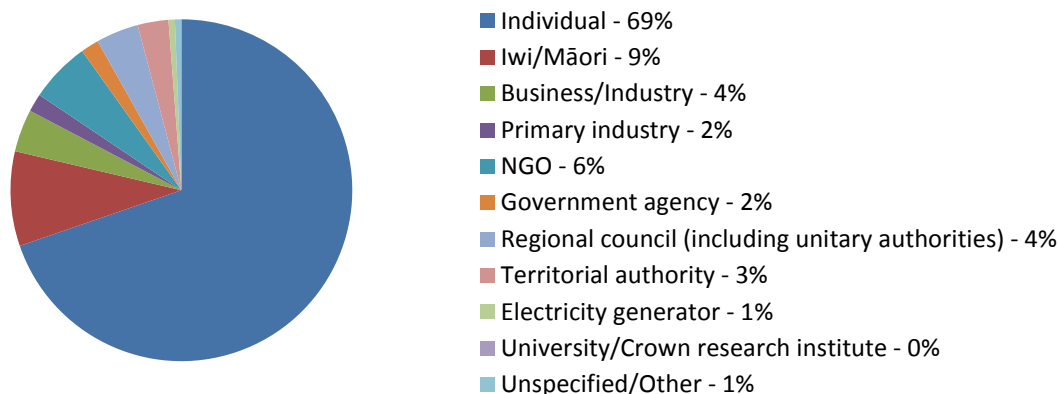
Based on discussions with the Freshwater Iwi Leaders Group and feedback from public submissions on the Government's earlier position paper *Freshwater reform 2013 and beyond*, reference to Te Mana o te Wai was added to the Preamble of the National Policy Statement on Freshwater Management in 2014. Feedback from regional councils and the Freshwater Iwi Leaders Group is that the status of this reference is unclear and provides ambiguous and inadequate direction.

As part of a suite of proposals aimed at addressing iwi rights and interests, Cabinet agreed to consult on a proposal to amend the Freshwater National Policy Statement (NPS-FM) to better describe the meaning of Te Mana o te Wai and require councils to demonstrate its use as the platform for community discussions and in their implementation of all relevant policies in the NPS-FM.

Submissions received

There were 349 submissions directly related to Te Mana o te Wai. A breakdown of these submissions by sector is as follows.

Percentage of submissions on Te Mana o te Wai by submitter type



The submissions in opposition, the majority of which were from individual submitters, disagreed with Te Mana o te Wai being the underpinning platform for community discussions. Those submitters interpreted Te Mana o te Wai as being a Māori-centric policy, whereas the underlying concept is applicable to all New Zealanders.

Common themes within submissions included:

- a. Te Mana o te Wai appears to represent an exclusive right for Māori and only recognises Māori cultural attachments to water.
- b. Iwi members can vote in local body elections.
- c. The management of water quality should be based on science balanced against economic realities applying community wide values.
- d. These proposals should be removed from the 'Iwi Rights and Interests' section of the document and placed in a section applicable to all New Zealanders.

Overall these proposals were well supported by the majority of submitter groups, particularly iwi, regional and territorial authorities and NGOs.

When asked how the Government could help councils and communities to better interpret and apply Te Mana o te Wai in their region, responses included providing a clear definition, funding, strengthening the capacity and capability of iwi and councils, and providing community education and engagement. The common themes coming through in support made these observations:

- a. Council engagement with iwi and hapū is necessary to ensure Te Mana o te Wai is implemented in a way that is meaningful to the whole community and is used as a basis for discussion on freshwater management.
- b. To be a guiding principle, it requires a better definition to ensure consistent interpretation.
- c. Te Mana o te Wai is best interpreted by iwi themselves, and there may be different interpretations of the phrase by different iwi around the country. Te Mana o te Wai needs to be interpreted by local communities, each in their own way, and should encourage communities to better understand the value of their water in all its forms.
- d. Government funding should be provided to enable each council to employ a runanga/iwi/hapū representative to lead the implementation of Te Mana o te Wai.
- e. Tāngata whenua should be involved in water consenting procedures, either through mandatory consultation with tāngata whenua by the applicant (as in Heritage NZ Act 2014) or by having tāngata whenua involvement in the consenting authority.
- f. Regular, consistent publicity around Te Mana o te Wai including workshops and education programmes (both at primary and secondary levels) should be provided.
- g. Developing and implementing a nation-wide communications strategy could help explain the term. This strategy could promote Te Mana o te Wai to councils, train local facilitators and include it in the state of the environment reporting requirements.

Iwi and hapū relationships with, and values for water bodies

Overview

The proposals to increase the recognition of iwi/hapū rights and interests in fresh water are:

- 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 units.*

Background

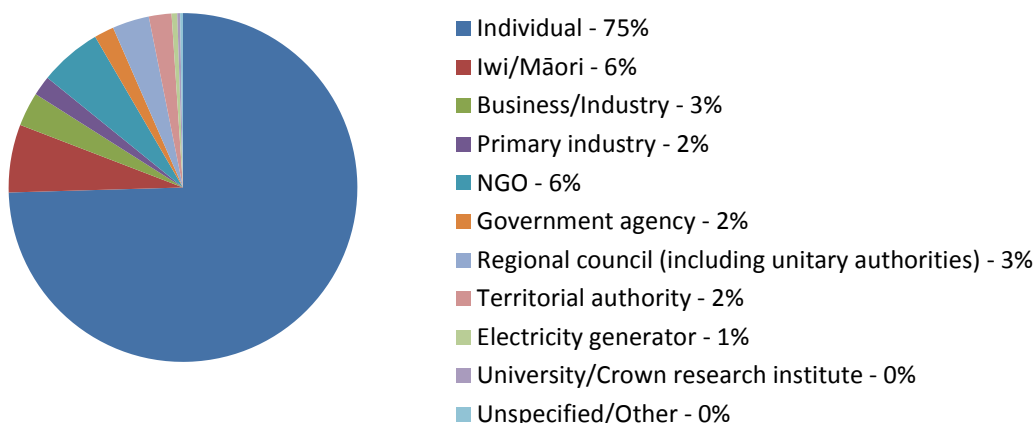
As part of a suite of proposals aimed at addressing iwi/hapū rights and interests, Cabinet agreed to consult on a proposal to require regional councils, when setting freshwater objectives, to identify the values held by iwi/hapū for those water bodies.

One of the objectives of the workstreams for addressing iwi/hapū rights and interests developed in consultation with the Freshwater Iwi Leaders Group and agreed by Cabinet involves improving recognition of iwi/hapū relationships with freshwater bodies. Recognition of iwi/hapū values for water bodies that they have associations with is one element of this workstream on recognition.

Submissions received

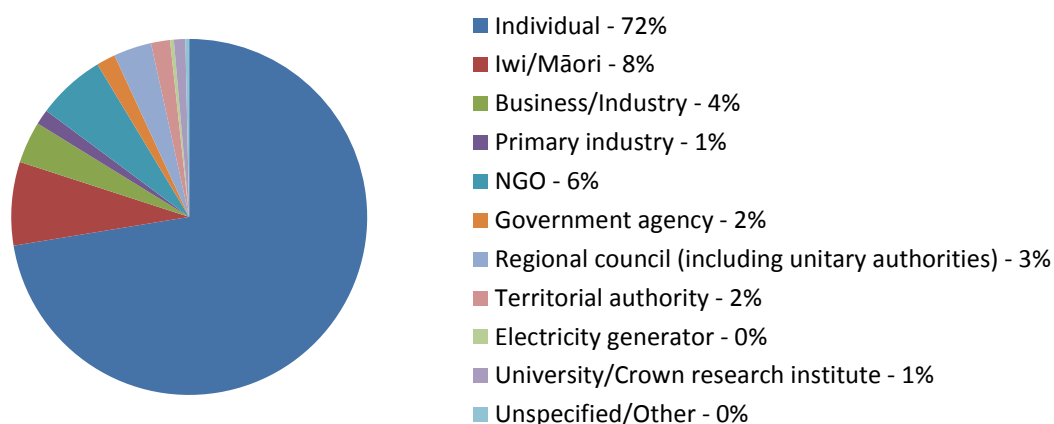
There were 383 submissions related to the proposal on council and iwi/hapū engagement around their relationships with freshwater bodies. A breakdown of these submissions by sector is as follows.

Percentage of submissions on identifying and recording iwi/hapū relationships with freshwater bodies by submitter type



There were 295 submissions marked as related to the proposal on council and iwi/hapū engagement around their values for freshwater bodies. A breakdown of these submissions by sector is as follows.

Percentage of submissions on engaging with iwi/hapū on values by submitter type



Themes across the two proposals were highly similar and will be reported together below.

Many of the submissions were out of scope, describing any provisions designed to address iwi/hapū rights and interests as exclusionary, race-based policy while not addressing the content of the proposal. This was true for both proposals but especially for the proposal around support to facilitate iwi/hapū and council engagement, prompting submitters to firmly denounce 'preferential treatment' related to funding or resources.

The vast majority of submissions that were in opposition to both proposals came from individual submitters. In response to proposal 3.3 there was some conditional support from primary industry groups yet in response to proposal 3.4 primary industry groups were unanimously opposed.

Submitter types other than individuals and primary industry groups were predominantly in support of both proposals. Proposal 3.3 gained more support across submitter types and those who held some reticence provided considered reasons, for example an expectation that the identification of iwi/hapū relationships with freshwater bodies should be occurring already.

Resourcing

The strongest theme of submissions on both proposals addressed the need for additional resourcing to support councils and iwi/hapū to engage about their relationships with, and values for freshwater bodies. It was indicated, primarily by iwi/Māori and regional and local council submitters, that there are already heavy resource requirements as a result of existing consultative processes and that additional resources will be required to ensure the two proposals are enacted effectively. The forms of resource most frequently proposed include:

- a. Funding to iwi/hapū and councils to help:
 - i. facilitate the time required to participate fully in such engagement
 - ii. pull information together on relationships with, and values for freshwater bodies.
- b. Funding for councils to integrate existing sources of information on iwi/hapū relationships with freshwater bodies (discussed more below) was also proposed.

- c. Training resourced by central government to train all council staff on the need for, and methods of, engaging with iwi/hapū on the proposals, as well as supplying specialist staff to regional councils to facilitate engagement at the outset.
- d. Guidance, targeted at both iwi/hapū and councils, on:
 - i. the best approach to quality engagement
 - ii. the rules and requirements of engagement
 - iii. how to articulate cultural values
 - iv. criteria to manage situations where identifying relationships and values are complicated by contested boundaries between iwi/hapū or where multiple iwi/hapū have relationships with and values for particular freshwater bodies but some are stronger than others.

Education

This theme was a subset of resourcing and stressed the need for education to increase awareness and understanding between councils, iwi/hapū, and the wider community.

Education was proposed to help increase the knowledge and understanding within councils and communities on the Treaty of Waitangi and significant historical events around fresh water in each region, of iwi/hapū rights and interests in fresh water, of the roles and responsibilities held by Māori as kaitiaki and traditional practices surrounding freshwater bodies.

Several submissions proposed that central government could fund iwi/hapū to develop and deliver this education.

Education was also proposed to help iwi have a greater understanding of regional freshwater management systems and processes, the language used, and the different ways water is used in their region.

Building open and honest relationships

Many submitters expressed the need for open and honest communication between iwi/hapū and councils to help develop trust between the parties and to facilitate meaningful engagement. This would include open lines of communication where councils' keep iwi/hapū well informed of any relevant developments in their rohe.

There was some suggestion that central government could require evidence of such engagement with iwi/hapū, for example local government bidding for central government funding would require engagement registers to be included in Long Term Plans.

Iwi management plans

Many supportive submissions reiterated that existing iwi management plans (resource management plan prepared by iwi/hapū that identifies issues important to that iwi/hapū regarding the use of natural resources in their rohe) contain a wealth of information and these should be utilised more and in a more consistent way across councils. These iwi management plans will help inform the engagement between iwi/hapū and provide a ready-made source of the information that will be required to enact proposal 3.3 and 3.4.

Existing provisions

Concern was raised by some supportive submitters for both proposals, but especially in response to proposal 3.3, that this kind of engagement should already be occurring as there are existing requirements under the Local Government Act 2002, Treaty Settlement legislation and also with sections 6(e), 7(a) and 8 of the RMA.

This feedback indicated that additional requirements may unduly burden an already operating engagement model, creating unrealistic demands on stretched resourcing. It was proposed by several submitters that a consolidation of the requirements for engagement under these legislative vehicles, including developing standard terminology, could decrease the confusion and increase compliance.

It was this concern that created some difference in the support from iwi/Māori submitters for the two proposals. There was support for the intent of proposal 3.3 however the majority of iwi/Māori were concerned that, as mentioned above, there are existing provisions requiring engagement on iwi/hapū relationships with freshwater bodies and that these other vehicles have stronger requirements, for example under the RMA such relationships should be recognised and provided for, rather than merely recognised and recorded. A clear desire was expressed for the current proposal to enhance these existing requirements and not simply restate them.

Legitimate relationships identified through proposal 3.3

Some supportive submissions were caveated with concern over the legitimacy of some iwi/hapū relationships with freshwater bodies. The common response to this concern involved providing sufficient evidence of those relationships, with some suggestion of the use of historical information in libraries and at universities.

Sites of significance which are sensitive for iwi/hapū

Many supportive submitters, including iwi / Māori, were concerned about the treatment of sites of significance with historical, cultural or social sensitivity and how this sensitive information would be treated under these two proposals

Some suggestions to deal with this issue include:

- a. create a buffer zone around such sensitive information and when an activity occurs within that zone the iwi/hapū must be consulted
- b. councils to hold silent files
- c. allowing iwi/hapū to hold control over databases
- d. consulting with the relevant iwi/hapū to let them dictate how such information should be treated and stored to respect their tikanga and oral traditions.

Feedback on how to enact the proposals

Some submitters, especially regional councils, territorial authorities and electricity generators expressed a preference for the proposal to be relationship based rather than through legislation.

It was proposed that central government should make clear the scale/scope of the relationships that should be included in planning documents. It was proposed that criteria for inclusion could help make this transparent.

Some submitters, including regional councils, however supported the requirement for councils to record iwi/hapū relationships with, and values for freshwater bodies to be legislated within all council planning documents. It was also proposed that this information should incorporate geographic information systems and include maps in each regional planning documents.

It was often recorded that iwi should initiate and direct this engagement with councils and that the form of the relationship not be prescribed by councils.

Enabling iwi and councils to agree how to work together (Mana Whakahono a Rohe)

Overview

The proposal relating to “Mana Whakahono a Rohe” is that:

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 – 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.*

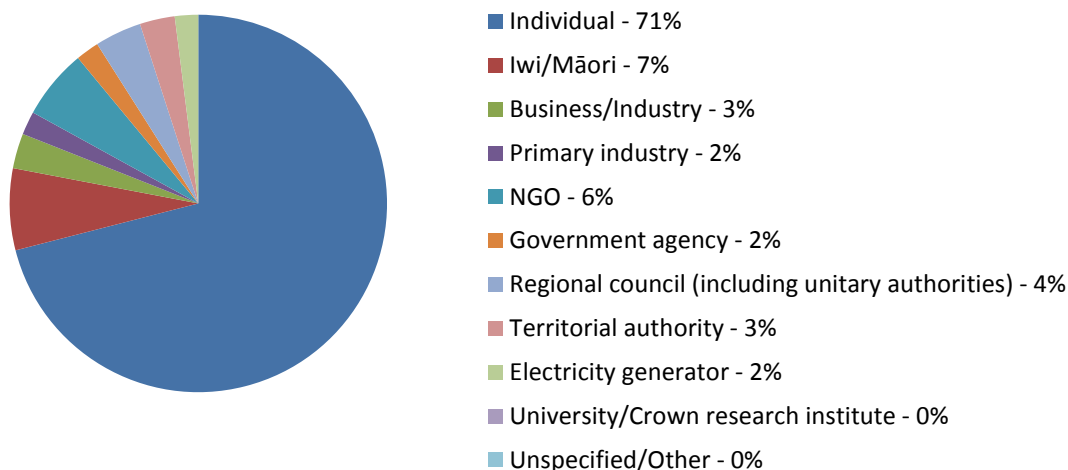
Background

The Government is proposing to establish provisions in the RMA for a new agreement between iwi and local authority(ies) for natural resource management – ‘mana whakahono a rohe’. The agreements would be initiated by iwi, and could involve multiple parties where agreed. They will 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. They will not override nor preclude arrangements under Treaty settlements.

Submissions received

There were 365 submissions directly related to enabling iwi and councils to agree how to work together. A breakdown of these submissions by sector is as follows.

Percentage of submissions on manawhakahono a rohe by submitter type



There were approximately 230 submissions from individuals generally opposed to affording rights or interests to Māori. This was the largest proportion of non-template submitters. Some of these submissions specifically addressed the proposed enabling of iwi and councils agreeing how to work together. Few of these submissions provided effective or detailed analysis. The comments focused on opposition to race-based preferential treatment, the devolution of decision making powers to iwi and the view that current processes of councils adequately represent the views of their constituents, making the proposed changes unnecessary.

Several of the submitters in opposition identified particular concerns with the content of the proposal and further identified additional financial and time costs to iwi authorities, local authorities, developers and the public as reasons to not establish the proposed engagement. There were also concerns raised by a small number of business/industry/electricity generators submitters that conflicts of interest of iwi representatives could not be managed and that the proposal was inappropriately devolving Crown Treaty responsibilities to local authorities.

Councils, iwi/Māori and central government submitters supported the proposal as a formalisation of engagement and an opportunity for iwi to act in their role as kaitiaki.

Many of those groups, while supporting the proposal, had concerns about its implementation. They identified that support in the way of funding, capacity and capability is needed. Guidance was also requested to support the establishment and ongoing engagement between councils and iwi. Support for iwi initiation came primarily from iwi/Māori whereas councils were more focused on the need to ensure that mana whakahono a rohe agreements did not overlap or impact upon the Treaty settlement decisions or processes, or other existing agreements or working relationships between councils and iwi. In addition, these submissions supported the participation of hapū in mana whakahono a rohe agreements as they often hold the relationship with a particular site or resource.

Based on the existing experience of local authorities in working with iwi/hapū, including through formalised agreements, and as the proposal requires local authorities to commit to engaging with iwi/hapū, councils have identified the need for their involvement in the development of the proposal prior to its enactment.

Caveats to the support given by councils related to the concern that they would become responsible for adjudicating disputes relating to rohe boundary or mandate. One council also identified the need for clarification of the term 'iwi authority'. A council also identified that there is a need for a public education program to "build awareness of Māori and Treaty rights established through national policy,"⁶ to build support for the engagement from their residents.

Iwi/Māori submitters observed that for the proposal to work, it would need statutory recognition, and that the current provisions for iwi involvement are litigious and short sighted.

Whilst some businesses supported the proposals as a means of reducing the cost of engagement and complications later in the process, other businesses and interest groups raised concerns about additional processes creating time and cost delays and therefore identified the need for clear timeframes and processes. These groups also identified that groups with particular interest in an area should be consulted to the same level as an iwi authority.

There was a distinct misunderstanding amongst the submitters about the scope of a mana whakahono a rohe proposal. Many submitters understood the proposal as relating only to freshwater. There was also a lack of understanding regarding the relationship between mana whakahono a rohe and iwi participation agreements. Submitters referred to the need to ensure the two proposals did not overlap as they understood that both would be included in the legislation.

Water conservation orders

Overview

The proposal relating to water conservation orders (WCOs) is that:

3.6 The Government will amend the Resource Management Act to:

- *require 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; and*
- *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.*

Background

The WCO process has essentially remained unchanged since its introduction (which predated the RMA). It is not well integrated with the current approach to freshwater management and there is no codification of iwi involvement.

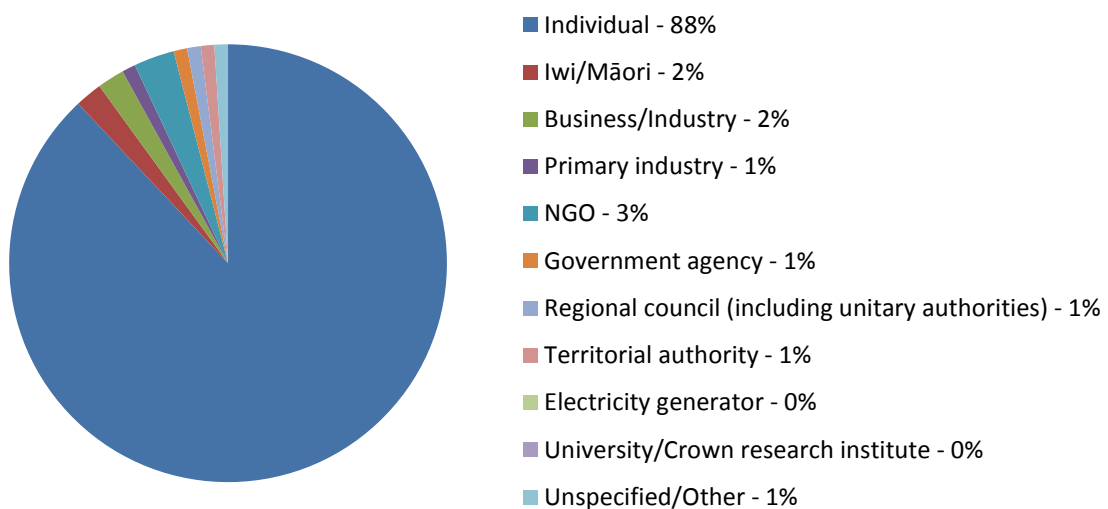
⁶ Bay of Plenty Regional Council.

The *Freshwater Reform 2013 and Beyond* discussion document outlined the government’s intention to improve the decision making process for WCOs and to better align them with the Government’s approach to freshwater management. The overall reaction to the WCO proposals outlined in *Freshwater Reform 2013 and Beyond* was mixed. NGOs and many individual respondents were very concerned that the proposed changes would reduce the protection of nationally significant rivers and lakes. Comments from iwi/Māori were split on whether or not the changes proposed were beneficial or necessary, but they generally supported greater iwi/Māori involvement in the WCO process.

Submissions received

There were 2120 submissions addressing WCOs, including 230 unique submissions. A breakdown of these submissions by sector is as follows.

Percentage of submissions on WCOs by submitter type



There were a large number of submissions from individuals generally opposed to affording rights or interests to Māori. Some of these submissions extended that opposition to specific proposals including the iwi provisions of WCOs. This was the largest proportion of non-template submitters. Few of these submissions provided detailed analysis. A small number of these, however, specifically opposed the appointment of an iwi representative to a special tribunal, making the point that “[Special] Tribunals must be disinterested, dispassionate and not involve representation by private and corporate interests.”

A significant number of submitters opposed the proposals as they were concerned the proposed changes would reduce the protection of nationally significant rivers and lakes (the primacy of Part 9 of the RMA and the effectiveness of the current regime were frequently cited by submitters).

Some of these submitters specifically opposed the Ministerial power to delay an application (proposal (d)). These submitters indicated that WCOs are an important conservation mechanism and should not be undermined or made subservient to a regional planning process. Some explained that “Regional Plans are subservient to WCOs” and, therefore, any delay should be upon regional plans and not WCOs. We received 1889 template submissions promoted by Forest and Bird which objected to proposal (d).

Many submitters, while supporting the amendments targeted at iwi involvement, thought the process changes should properly be considered in a comprehensive review. Bay of Plenty Regional Council, LGNZ, NZCA, Forest & Bird (Eastern Bay of Plenty Branch) all requested a complete review of the mechanism.

A small minority of submissions opposed WCOs altogether and felt that regional planning was sufficient to provide protection to the outstanding values of water bodies.

There were few submissions entirely in support of all of the proposals. These submissions tended to approve of the WCO mechanism and perceive the changes as sensible amendments. Some expressed their support conditional on WCOs not being weakened. Many submitters welcomed the increased role for iwi in WCOs.

Iwi generally supported the proposals relating to iwi involvement, and were neutral regarding the rest of the changes. Some iwi (Te Roroa and Te Rūnanga o Ngāi Tahu), however, noted they did not request these changes or perceive WCOs “to be a critical or necessarily important issue for iwi rights and interests in fresh water.”

Implementation support

Overview

The proposal relating to implementation support is:

- 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.*

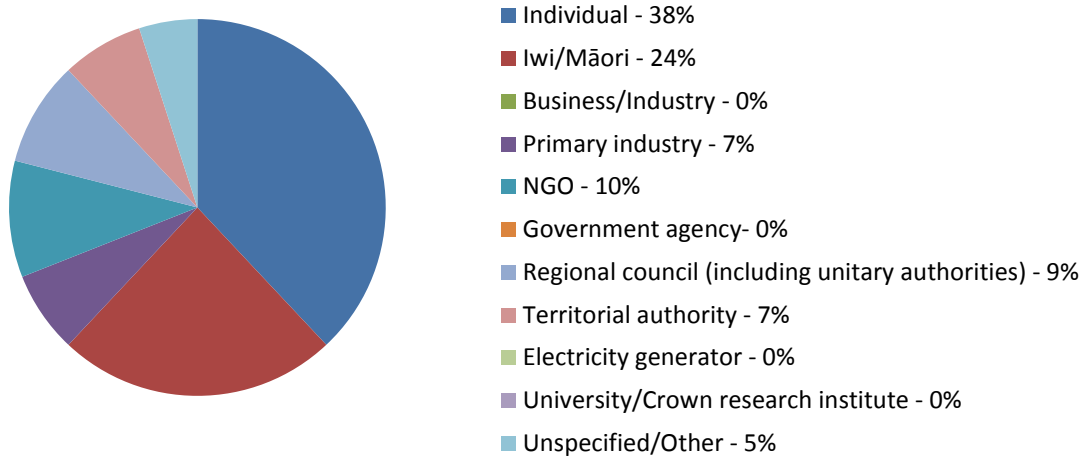
Background

As part of a suite of proposals aimed at addressing iwi rights and interests, Cabinet agreed to consult on a proposal to support councils and iwi to build capacity and capability about participation in freshwater planning by providing training and guidance. Such support is necessary for effective implementation of the proposed reforms because the proposals will require significant increases in engagement between iwi/hapū and councils.

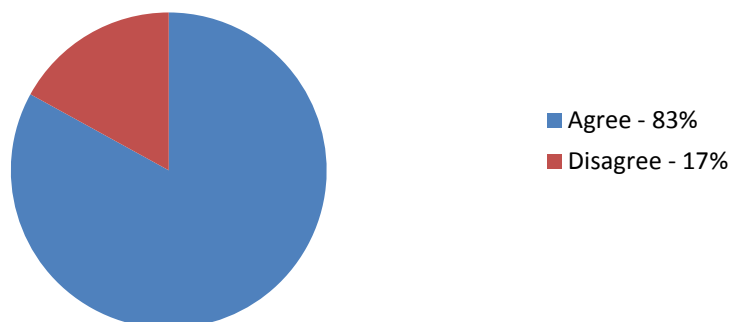
Submissions received

There were 58 submissions directly related to the Implementation Support proposal. A breakdown of these submissions by sector is as follows.

Percentage of submissions on implementation support programmes by submitter type



Percentage of general response to proposal on implementation support programmes



The submissions in opposition, which were almost exclusively from individuals, wanted no distinction drawn within the resource management system between Māori and other New Zealanders, claiming this would be race-based and/or undemocratic.

The submissions in support, which were predominantly from NGOs, iwi, individuals and local authorities, welcomed the proposal and considered such support to be vital to successful implementation of the proposals set out in *Next Steps for Fresh Water*. However they suggested that councils were better placed than the Ministry to build the specific types of capacity and capability required in their respective areas and therefore proposed the Ministry provide councils with the funding necessary to resource their own programmes. Other themes of submissions in support were:

- a. the proposal should be extended to support the engagement of the wider community in freshwater planning
- b. that funding would also be required, in addition to guidance and training, to support effective iwi/hapū engagement in freshwater planning

- c. any support provided should be tailored to local needs rather than promoting a uniform national approach.

Water supply and sanitation for marae and papakāinga

Overview

The proposal relating to clean, safe drinking water for marae and papakāinga is:

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

Background

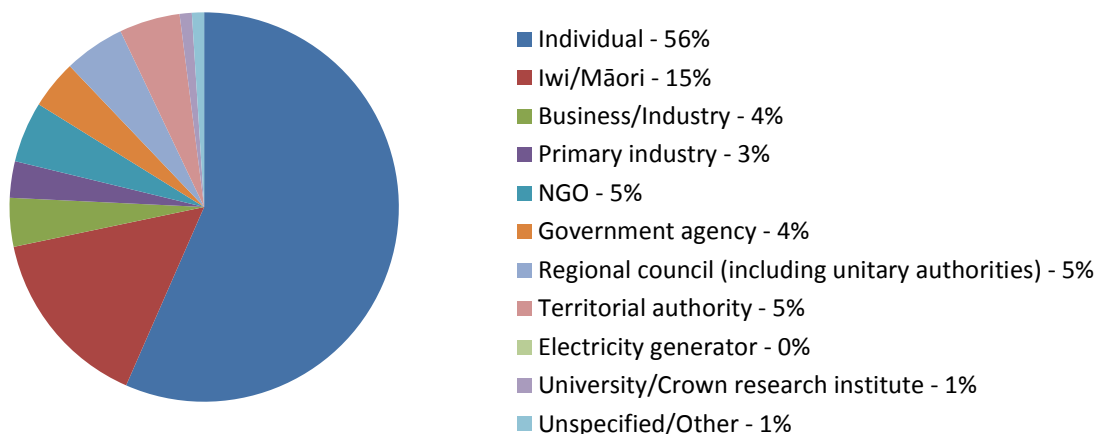
As part of a suite of proposals aimed at addressing iwi rights and interests, Cabinet agreed to consult on a proposal for the Government to consider if additional funding is required to develop or improve water infrastructure at marae and papakāinga.

One of the objectives of the workstreams for addressing iwi/hapū rights and interests developed in consultation with the Freshwater Iwi Leaders Group and agreed by Cabinet involves addressing uncertainty of supply of potable water on all marae and in papakāinga.

Submissions received

There were 156 submissions marked as related to the proposal on drinking water for marae and papakāinga. A breakdown of these submissions by sector is as follows.

Percentage of submissions on water supply and sanitation for marae and papakāinga by submitter type



Many of the submissions were out of scope, describing any provisions to address iwi/hapū rights and interests as exclusionary, race-based and/or undemocratic, while not addressing the content of the proposal.

The vast majority of submissions that were in opposition to the proposal came from individual submitters. These submissions predominantly opposed any special treatment given to marae and papakāinga above other communities within New Zealand and stated that Māori should not receive any assistance to gain access to clean, safe drinking water on marae or papakāinga.

Submitter types outside of individuals were predominantly in support of the proposal and welcomed funding assistance from the Government to ensure marae and papakāinga have access to clean, safe drinking water. Supportive submissions from regional councils, territorial authorities and primary industry groups frequently recommended the proposal should be extended to include other small rural communities that have limited access to clean, safe drinking water.

Two common themes among supportive submissions stressed the need to extend this funding to include:

- a. assisting with installing and maintaining wastewater treatment systems
- b. to include small, predominantly Māori communities which do not classify as papakāinga or those living near their marae but not on papakāinga whose drinking water is unsafe or unreliable.

Another strong theme among supportive submissions expressed the need for central government to conduct a research programme to determine nationally which marae and papakāinga require improvements in their access to clean, safe drinking water.

A number of submissions identified areas where marae and papakāinga do not have access to clean, safe drinking water including:

- a. Auckland
- b. Hawkes Bay (including Whakaki, Nuhaka and Pouawa)
- c. Far North (including Te Kao Omanaia, Kaeo, Waimamaku, Taheke, Waiomio, Waiotemarama and Kokohuia)
- d. Western Bay of Plenty (multiple sites identified by the Western Bay of Plenty District Council)
- e. Ngāti Ruanui has 10 marae and are struggling with compliance and upgrade costs
- f. Ngāti Tūwharetoa highlighted limited access to reticulated treated drinking water.

Many submitters reported having used the Ministry of Health Drinking Water Assistance Programme to provide assistance to marae and papakāinga and proposed that this funding be reinstated.

Submissions also raised the potential for extending the Kāinga Whenua Infrastructure Grant.

Concern was raised in regional council submissions that the issue of providing clean, safe drinking water to marae and papakāinga was not solely the responsibility of councils or rate payers in a region and that it is necessary for central government to assist through funding and research.

Freshwater funding

Freshwater Improvement Fund

Overview

The proposal relating to the Freshwater Improvement Fund is that:

4.1 Eligible projects will need to meet the following criteria:

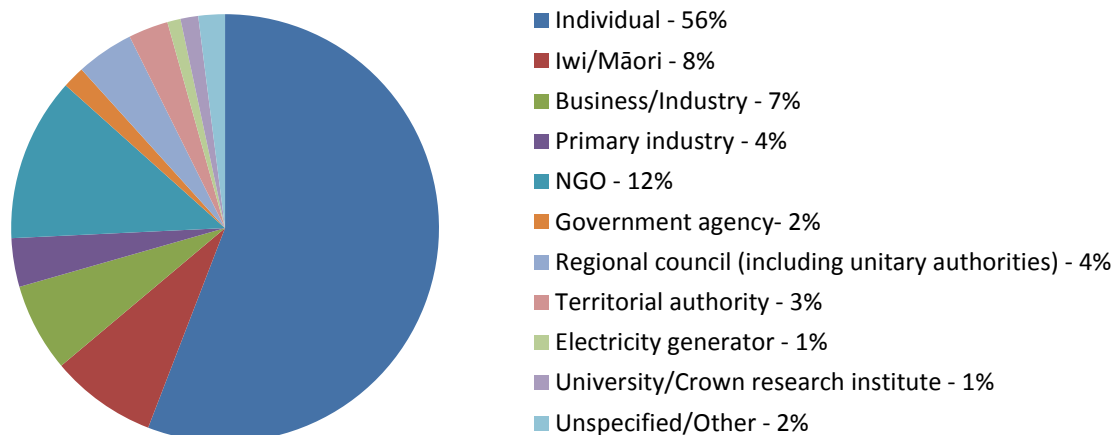
- only projects that support users to move to managing within quality and quantity limits will be considered*
- projects will need to demonstrate that they produce environmental benefits*
- projects will be considered if the overall public and private benefits are clearly demonstrated to be greater than 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 adaption 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.*

The Fund, purpose and criteria, along with the minimum and maximum contribution of funding per project and allocation per region will be assessed after the first four years of the Fund's operation.

Submissions received

There were 311 submissions directly related to the Freshwater Improvement Fund. A breakdown of these submissions by sector is as follows.

Percentage of submission on the freshwater fund by submitter type



Purpose of the Fund

The majority of submitters noted support for improving fresh water and government funding to improve fresh water.

Most submitters who commented on the scope of the fund, supported or cautiously supported, the proposal to move beyond solely funding the purchase and retirement of farmland, citing:

- cost efficiency reasons
- the expense of land purchase to achieve water quality improvements
- management of purchased land
- there are other land protection mechanisms such as QEII covenants that don't require land purchase
- broader focus will allow urban issues to be tackled.

Some however, were concerned that the scope is now too broad, had moved too far from on the ground measures and its impact would be lessened. A number of submissions discussed land purchase.

There was support for assisting users to manage within limits. However, a number of submitters noted this may compensate existing users for meeting required limits or provide funding for activities which councils or government should already be requiring, or questioned whether this would achieve environmental benefits or improve freshwater quality. Funding was preferred to be used to achieve additional improvements over and above meeting limits. There were calls for ensuring proposals were supported by robust evidence that demonstrated freshwater improvements would be achieved.

Many submitters identified areas requiring funding including:

- local council and industry capability, capacity building and enforcement
- stormwater innovation
- science and research

- d. scholarships for freshwater ecologists
- e. development of national guidelines on monitoring standards
- f. new economic models
- g. understanding Mātauranga Māori
- h. recreational use improvements
- i. land use change
- j. pest control on conservation lands
- k. QEII reserves
- l. protection and planting of riparian reserves
- m. technology transfer and adaption
- n. research into behaviour change
- o. wetland restoration and reinstatement
- p. fish passage
- q. erosion control
- r. prevention of environmental damage on rivers with outstanding values and/or WCOs
- s. identifying regionally and locally important rivers.

Some suggested specific locations which should be funded.

Criteria

A large number of submitters opposed irrigation projects being eligible for funding. Some submitters stated they did not agree with taxpayers money being used to fund costs which were considered part of an irrigation project cost, others opposed on environmental or conservation grounds or had doubts about how the environmental benefits of irrigation projects would be assessed. Submitters raised potential overlap with the Government's existing irrigation investment vehicles, with some suggesting transferring \$200 million from the Irrigation Fund to increase the size of the proposed new Fund. A few submissions stated support for funding for irrigation projects specifying projects where environmental and wider socio-economic benefits could be demonstrated.

A number of submitters commented on potential funding for infrastructure projects, with several wanting them excluded. Several wanted confirmation of continued support for upgrades to wastewater treatment plants. Submitters raised the possibility of funding projects such as water storage, groundwater recharge, stream augmentation, private investment in hydroelectricity projects, and charging to recover investment costs.

Three submitters sought clarity/noted the difficulty in assessing overall public and private benefits. A requirement for net ecological benefit and contribution to an identified strategic environmental goal as additional fund criteria was suggested.

Clarity was sought on the eligibility of private/commercial organisations, and the eligibility of NGOs, interest groups and other parties. It was considered that the Landcare Trust should have the opportunity to apply for funding, and there was opposition to only water users being eligible for funding.

The importance of involving landowners and community-led catchment groups was noted by some submitters. A small number of submitters suggested projects should have broad community support to be eligible, or greater weight should be given to projects that could demonstrate this. Some submitters thought lowering the minimum Government contribution would facilitate greater community involvement.

Several submitters requested other government agencies' contributions be included in the applicant's co-funding contribution. One noted if this was not the case, freshwater researchers would be excluded from accessing funding. The QEII National Trust are concerned their role could also be constrained.

Further clarification of funding criteria was sought by some submitters, including clarification on the number of eligible projects per waterway, if criteria were mutually exclusive and applied to irrigation projects.

Submitters also suggested additional criteria including:

- a. value for money
- b. how projects enhance Te Mana o te Wai
- c. projects when the legacy effects of intergeneration pollution requires more management from the current farming generation
- d. the preservation of natural landscapes identified as an environmental benefit
- e. social and economic criteria should only be considered once environment benefits had been established.

Fund size

Some submitters thought the proposed funding was insufficient, or very modest in comparison with current infrastructure investments and the costs of other freshwater remediation projects, and called for a greater level of government funding. Submitters also noted the need to act now, and the importance of prevention.

Some submitters wanted dedicated funds for specific purposes including a fund for farmers to assist with fencing, a programme to support iwi capacity and capability building and participation in freshwater management, removing barriers for fish passage. Another submitter proposed a two-tiered funding approach with one for smaller, local projects with a lower applicant contribution, and a second for regional-level projects that require greater contributions. Another submitter wanted a dedicated fund accessible by smaller councils to upgrade stormwater and wastewater systems.

There was support for a multi-year funding approach to projects which were able to demonstrate tangible benefits.

Government contribution – minimum contribution and maximum percentage

A large number of submitters requested the minimum project size be reduced or flexibility be shown in this area as it was possibly an arbitrary figure and could prevent community groups, landowners, iwi or those in lower socio-economic regions, or small towns from accessing funding. Submitters suggested a lower threshold (\$100,000 or \$200,000), or a greater government contribution to waterways that had tourism, biodiversity and recreation benefits. Several submitters referred to the role councils could play in bundling up smaller applications that individually may be too small for funding. Other submitters supported the minimum size and focus on large catchment-scale projects noting the existence of numerous funds targeted at small community initiatives.

There was mixed support for the public/private funding approach and a maximum government contribution of 50%. Some submitters supported this, stating regional councils and ratepayers could not pay for all improvements and calling for greater contributions from polluters, users or a levy on water users, farmers, water exporters or tourists. Other submitters suggested the Fund should provide a greater proportion of project costs, or suggested the Fund should fund 100% of capital costs with operation or maintenance costs funded locally. Another did not support prioritising projects that had greater philanthropic or business contributions as they considered this risked outcomes being driven by the interests of those other funding parties.

Allocation of funding

There were numerous comments around the need for a fair, merit based allocation process that considers the outcomes being delivered. Some submitters proposed assessment methods including ranking projects, cost benefit analyses, submission of business plans, non-monetary assessment of benefits and costs, and a robust social impact assessment, that includes consideration of health impacts, to support any irrigation funding proposal. Another wanted proposals to have a strong scientific basis.

Some submitters queried who will receive funding, suggesting regional councils appeared the logical recipient in the best position to develop and implement projects. The need for regional equality was raised, noting the disparities in some regions' timeframes for setting limits and hence readiness to develop projects worthy for funding was noted. Suggestions to address regional disparity were to spread funding over 10 years or for the Government to commit to top up funding if funding ran out before all regions could develop projects for funding, or to review the Fund in the event that inequitable national outcomes eventuated. A few submitters suggested devolving funding to local or regional councils to establish local freshwater funds themselves.

A range of views were expressed in relation to Māori access to funding – from explicitly opposing to wanting some funding ring fenced. Some submitters called for meaningful iwi engagement with one requesting iwi/hapū involvement in funding allocation processes in their rohe.

Administration of Fund

There was support for the Government, and specifically for the Ministry for the Environment, to administer the Fund and to do so wisely, efficiently and transparently with strict controls in place. Long term monitoring was also called for. Some submitters suggested local government should not be involved in funding decisions.

Other freshwater funding

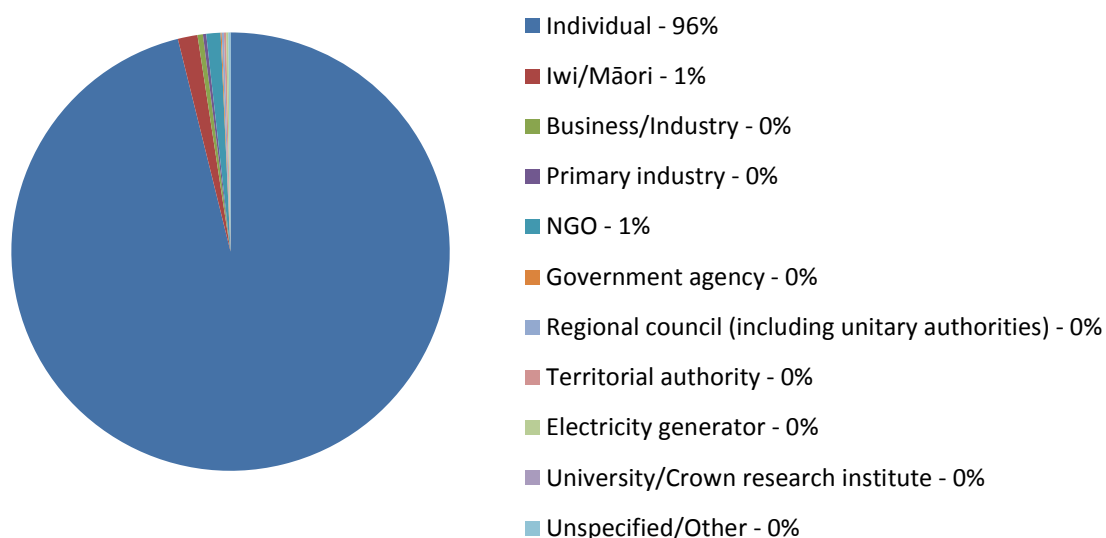
Three submitters requested the Government undertake a stocktake of existing funding for fresh water, with one wanting to consolidate existing freshwater funds. A revision of eligibility criteria was suggested after a review of effectiveness and cost effectiveness of Crown-funded freshwater projects. Another wanted a comparison of spend by local government and voluntary community groups.

Other issues

Iwi rights and interests

There were 1545 submissions relating to iwi rights and interests generally but not directly related to any of the proposals in the consultation document. A breakdown of these submissions by sector is as follows.

Percentage of submissions on iwi rights and interests by submitter type



Almost without exception, the unique submissions expressed concern about any recognition of iwi/hapū rights and interests in fresh water. Frequently repeated views among these submissions include:

- a. water should not be owned or controlled by any race or group and that such sectarianism would be racist and/or anti-democratic
- b. water should either belong to all New Zealanders or be managed on their behalf by government
- c. all New Zealanders, not just Māori, have important connections to waterways that should be recognised
- d. the reforms, if implemented, will lead to Māori charging other New Zealanders for the use of water
- e. the Treaty of Waitangi does not specifically refer to water
- f. the reforms, if implemented, will lead many National party supporters to vote for other political parties at the next general election
- g. Māori are not capable of sustainably managing water and other natural resources.

The template submissions generally expressed support for increased recognition of the rights and interests of iwi and hapū.

Improving 'swimmability'

While we did not formally consult on any specific proposals for improving 'swimmability,' the consultation touched on many related topics. This prompted significant feedback on the existing policy, including the 'wadeable' bottom line for human health in the NPS-FM.

Several organisations used this opportunity to campaign for raising the national bottom line to a 'swimmable' standard, engaging the public in making form submissions. The form submissions on swimmability organised by Forest and Bird drew a particularly large number of people to submit (1877). In addition, 2376 people contributed to a joint submission by ActionStation in collaboration with the Choose Clean Water campaign, with 1824 of these signatories promoting primary contact recreation as the bottom line. Other groups, including the Parliamentary Commissioner for the Environment and tourism industry groups, called for the Government to recognise the aspiration around making our rivers swimmable on the basis the economy depends on a clean green image. Others are calling for the Government to raise the national bottom line for water quality from 'wadable' to 'swimmable'.

Many other key groups, including iwi trusts and regional councils also made submissions asking for a more aspirational policy for improving water quality. Many of these submissions defined the aspiration for swimming broadly, including desires to improve aesthetic and amenity values of freshwater.

Urban water management

A number of submitters expressed the desire to improve the management of urban water resources. Submissions ranged from discussing issues of water quantity and formalising the priority of domestic water use to providing direction and guidance around water sensitive urban design. Some also highlighted the need to include urban water use when setting good management practices and technical efficiency standards.

Allocation of freshwater resources

The document did not contain any proposals on allocation, noting that the Government is still developing the package of policy proposals that will address the range of interests of those wishing to access freshwater resources, including iwi/hapū.

However, a number of submitters took the opportunity to raise issues around allocation through the consultation. Submitters questioned the lack of any proposed allocation framework in the document, with some noting that this was fundamental precursor to the other freshwater reforms.

Submitters also raised issues around property rights, noting a lack of clarity on what property rights existed in relation to water. Some submitters questioned the perceived contradiction between the Government's bottom line that 'no one owns water', and proposals such as increasing tradability.