



Environment Institute
of Australia and
New Zealand Inc.

POLICY SUBMISSION

Ministry for the Environment

8 Willis St
Wellington, New Zealand

26 July 2025

To Whom It May Concern,

SUBMISSION: Package 3: Freshwater Policy

This submission sets out the Environment Institute of Australia and New Zealand (EIANZ) position on the **Package 3: Freshwater Policy**, released 29 May 2025.

About EIANZ

Founded in 1987, EIANZ is a professional association of around 4,000 environmental practitioners from across Australia and New Zealand. We provide opportunities for professional and academic dialogue across all sectors of the environmental industry. The Institute membership includes specialists in a range of environmental disciplines: climate change, contaminated land, planning, engineers, law, environmental science, freshwater, marine and coastal sciences, and ecology.

A significant initiative of EIANZ is the Certified Environmental Practitioner (CEnvP) Scheme, which is Australasia's leading accreditation scheme designed exclusively for environmental practitioners and recognises environmental professionals in line with their professional counterparts from engineering, accounting, planning and architecture. Ten members residing in NZ are Fellows or Honorary Life Members of the EIANZ recognising the contributions to environmental practice over several decades. These credentials are significant in the recognition of environmental practice in New Zealand.

Our approach

The feedback expressed in this submission is formed from a consensus approach amongst practitioners within EIANZ. The main thrust of the feedback was developed from a small number of members before seeking comment from the membership at large. Accordingly, it represents a whole of industry feedback rather than any regional or sector response. More importantly it represents the collective experience of environmental practitioners who work with and

implement environmental legislation, regulations, policy as well as business and community aspirations. We emphasise that our submission is based on the clarity, consistency, and practicality of the proposed implementation of the Biodiversity Strategy. In addition, we draw attention to areas where our experience suggests that greater direction is required within the proposed direction.

Layout of submission

This submission provides the Environment Institute of Australia and New Zealand's (EIANZ) response to the Ministry for the Environment's consultation on Package 3 – Freshwater Policy. The feedback presented draws on the collective expertise of EIANZ members, including discussion at the dedicated practitioner workshop and additional written contributions from members.

The submission focuses on the following key topics discussed in the workshop and reflects the practical and technical experience of members working within freshwater management and regulation:

- **Rebalancing Objectives**
- **Te Mana o te Wai**
- **National Objectives Framework Flexibility**
- **Commercial Vegetable Growing**
- **Water Security and Storage**
- **Wetlands and Farming Pathways**
- **Wetland Mapping**
- **Wetland Construction**
- **Fish Passage Regulations** (*noting limited discussion due to time constraints*)
- **Synthetic Nitrogen and Farmer-facing Rules**
- **Drinking Water Mapping**

Each section outlines the issues raised by EIANZ members and provides recommendations aimed at improving clarity, consistency, and the effectiveness of the proposed freshwater reforms.

Yours sincerely,



Connor Whiteley

President, NZ Chapter, EIANZ

Submission – Package 3: Freshwater Policy

Rebalancing objectives

EIANZ supports efforts to clarify and strengthen the objectives of the National Policy Statement for Freshwater Management (NPS-FM). However, members expressed mixed views about moving from a single overarching objective to multiple objectives. While multiple objectives could provide more nuance, there is a risk of weakening the centrality of environmental outcomes, particularly ecosystem health. If a rebalancing is pursued, we recommend a clear policy hierarchy or decision-support framework to ensure that environmental protection is not compromised by competing objectives.

Te Mana o te Wai

Te Mana o te Wai remains a core principle of freshwater management. Members noted that its implementation in consenting processes has been inconsistent and often unclear, with practitioners unsure how to meaningfully give effect to it. There is strong support for retaining Te Mana o te Wai in policy, but we recommend clearer implementation guidance that:

- Defines its role within both planning and consenting frameworks;
- Clarifies the responsibilities of practitioners vs. tangata whenua; and
- Avoids placing inappropriate cultural interpretation burdens on non-Māori experts.

We oppose removing the concept entirely or weakening its role, but support clarifying how and where it should be applied.

National Objectives Framework Flexibility

Members generally supported the current structure of compulsory and optional values under the NOF, with ecosystem health and human contact identified as critical values that should remain compulsory. There was some discussion around elevating drinking water supply to a compulsory value, given its public health importance.

There was broad support for retaining national bottom lines, which provide a consistent benchmark and empower practitioners to enforce minimum environmental standards. However, EIANZ recommends:

- Allowing flexibility in attribute bands to reflect regional variation in catchment conditions; and
- Ensuring community input into attribute setting is retained, while also supporting clearer national guidance.

Commercial Vegetable Growing

Members expressed concern about a lack of sector-specific environmental management guidance for commercial vegetable production. While other rural sectors (e.g. dairying) have clear consenting thresholds and best practice frameworks, this sector remains under-regulated despite its significant sediment and nutrient contributions in some regions.

We support developing permitted activity standards or freshwater farm plan requirements for this sector, with a focus on:

- Contaminant-specific controls (e.g. sediment, pesticides);
- Enabling transitional support for compliance; and
- Encouraging regional councils to actively engage with growers.

Water Security & Storage

EIANZ supports the shift towards off-stream water storage as a means of improving resilience and reducing direct pressures on waterbodies. However, we recommend:

- Strong environmental safeguards where storage affects adjacent wetlands or groundwater drawdown zones;
- Clear provisions to avoid incentivising water-intensive land use changes (e.g. large-scale irrigation); and
- Consideration of scale-based consent thresholds to distinguish between farm ponds and large commercial storage infrastructure.

Wetlands & Farming Pathways

There was consensus that the current approach to induced wetlands lacks clarity and creates implementation challenges. Members supported a more nuanced approach that:

- Allows for regional council discretion in protecting high-value induced wetlands, both in the current value and potential value;
- Introduces time-based or condition-based criteria to distinguish between temporary, low-value formations and long-standing, functioning wetland ecosystems; and
- Considers a minimum size threshold to reduce over-regulation of minor features.

We support removing the current pasture exclusion in the definition of “natural inland wetland” as it has been inconsistently applied and is open to misuse. However, any replacement permitted activity pathway must include:

- Clearly defined standards;
- Appropriate monitoring requirements; and
- Provision for enforcement.

We recommend cautious implementation to avoid incentivising the clearing of potentially significant wetlands under the guise of farming.

Members expressed concern that the absence of clear wetland mapping requirements creates confusion during planning and consenting. We recommend:

- A nationally consistent wetland mapping framework with local calibration;
- Support for councils in updating and maintaining wetland inventories; and
- Integration of mapping into the freshwater farm planning system.

There is strong support for making it easier to construct wetlands, particularly for nutrient attenuation, sediment control, or biodiversity enhancement. Current permitted activity rules are perceived as overly complex and burdensome, even for low-risk, beneficial projects.

We recommend simplifying the process while:

- Retaining appropriate ecological safeguards;
- Allowing for scaled requirements based on wetland size and function; and
- Encouraging technical input where construction is for specific outcomes (e.g. habitat, water quality).

Fish Passage Regulations

Due to time constraints, this topic was not covered in detail during the workshop discussion. However, EIANZ acknowledges that fish passage remains a technically complex and frequently encountered challenge in freshwater and infrastructure projects. While not a central focus of this submission, we note the importance of ensuring that any future regulatory amendments to fish passage provisions:

- Provide practical and scalable guidance for small structures (e.g. culverts, fords);
- Consider stream order, species sensitivity, and context-specific risk; and
- Support cost-effective compliance while maintaining ecological integrity.

EIANZ would welcome the opportunity to provide further input on fish passage standards through any subsequent consultation or technical working groups.

Synthetic Nitrogen & Farmer-facing Rules

Members support the regulation of **synthetic nitrogen application** but noted the need for farmer-facing rules to be clear, workable, and enforceable. Complexity in current rules has reduced compliance and understanding.

We recommend:

- Setting clear limits with supporting guidance and compliance tools;
- Ensuring that regulations are integrated with freshwater farm plans to avoid duplication; and
- Ongoing monitoring of outcomes rather than relying solely on inputs.

Drinking Water Mapping

Members supported the use of source water risk management area (SWRMA) mapping as a proactive planning tool. Mapping these areas provides clearer insight into the vulnerability of drinking water sources and equips councils with tools to implement protection measures more effectively.

Key considerations raised include:

- Source-specific risk variation:

- For surface water sources, contamination may be flushed or diluted over time depending on the contaminant, meaning multiple zones with varying response times could be appropriate.
- For groundwater sources, particularly aquifers, contaminants such as emerging substances (e.g. Carbamazepine, PFOS, Ibuprofen, Triclosan) can be highly persistent. In these cases, a singular protection zone based on degradation potential rather than arbitrary spatial limits may be more appropriate. Protection frameworks should consider intergenerational impacts and conservative travel time estimates, which may range from days to decades.
- Consistency across legislation:
 - Mapping requirements for SWRMAs should align with existing obligations under the Water Services Act and other freshwater planning instruments. This ensures a coherent and enforceable regime for source water protection.
- Scale and resource implications:
 - While mapping for all water supplies is ideal, members acknowledged that resource constraints may affect delivery. At minimum, mapping should cover all approved supplies, and any thresholds used should reflect the significance of the supply and the associated public health risks.

EIANZ supports national consistency in mapping standards and encourages the Ministry to ensure these tools are actionable and supported by reliable data.

Conclusion

The EIANZ welcomes the opportunity to contribute to the development of the freshwater policy package. Our feedback focuses on practical implementation, technical clarity, and the need for effective integration across planning and consenting. We support reforms that improve environmental outcomes while enabling practitioners, councils, and land users to operate with greater confidence and consistency.

We would be pleased to provide further assistance or present our views in a technical advisory capacity if that would be of value.