

Auckland Regional Council Speaking Notes for the Board of Inquiry

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Proposed National Policy Statement for Freshwater Management

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Introductions

- 1 Good morning. I am Alastair Smaill – Group Manager of Environmental Policy & Planning with the Auckland Regional Council and I'm accompanied by Mark Bishop, Policy Planner from the Land and Water Group.
- 2 On behalf of the Auckland Regional Council, I would like to thank the Board of Inquiry for the opportunity to speak to our submission.

Regional Setting

- 3 Firstly, I would like to say a few words in relation to the setting of the Auckland region, and then outline a number of factors that make this region unique, before I move onto the main points of our submission.
- 4 The Auckland region covers almost 500,000 hectares and contains a range of natural environments, which include 3 major harbours, offshore islands, volcanic fields, bush clad ranges and many lakes, estuaries and wetlands.
- 5 Auckland is one of the fastest growing regions in New Zealand. As a result, the pressures on our natural and physical resources will continue to increase. Based on current anticipated growth rates, the population of the region is expected to increase from its current level of almost 1.4 million to 2 million by the year 2036. The population of the Auckland region will also continue to be the most ethnically diverse in the whole country, with over 100 ethnicities currently resident.

- 6 In relation to rivers and streams, the region is slightly unusual in the fact that out of a total stream length of 28,000 kilometres, nearly 80% of these streams are 1st and 2nd order. Many of these can be easily stepped over. The values of these water-bodies are often overlooked and, as a consequence, can become degraded or lost completely through infilling or piping. Soil erosion, and the discharge of stormwater are major issues.
- 7 The Auckland region has a number of unique resource management issues, as compared to other regions in New Zealand. These issues are primary due to our high population growth rate, being accommodated within an area that contains many sensitive receiving environments, both coastal and freshwater. This large population also results in an increasingly high demand being placed on the regions limited freshwater resources. The Auckland region is the only region that sources its water supply from outside the region.
- 8 In terms of our regulatory functions, the Auckland Regional Council processes about 100 discharge to land and water consents per year. The ARC also processes, on average, between 50 to 250 water-take applications per year.
- 9 I would like to now move onto discussing the Proposed National Policy Statement itself.

Overview of Auckland Regional Council's Submission

- 10 We would like to emphasise what we believe to be the main points of our original submission, as well as make some related additional comments on the work that we have been doing on our review of the Auckland Regional Policy Statement.
- 11 We would like to make it clear that the ARC does support the provision of greater national policy direction in relation to the management of freshwater resources. We are generally supportive of the Proposed NPS - particularly the notion of identifying values and the setting of water quality standards and environmental flows and levels in regional plans. However, we would like to see greater guidance and clarity than currently exists.
- 12 We would also like to state that it is ARC's intention (as signalled in the ARC's draft second generation RPS) to identify the values of our receiving environments (both freshwater and marine) and then set water quality standards and targets. This approach will be new for this region, where under the current planning regime, the classification of water-bodies has not been carried out, nor has the setting of any water quality standards.
- 13 The ARC's main concerns with the Proposed NPS are that:
 - It does not give clear national direction or guidance (due to the lack of prioritisation) as to the policy issues it seeks to address;

- It does not give clear guidance regarding the decision-making process that local authorities will have to engage in to resolve freshwater resource and land use related issues;
 - It should specify a series of measurable and time-bound objectives so that progress towards the date of 2035 can be evaluated;
 - It uses a number of unfamiliar and poorly defined terms;
 - It may result in a high implementation costs being imposed on local authorities due to the proposed planning timeframes, degree of consultation that would be required and the amount of additional environmental monitoring that will be necessary.
- 14 We would therefore like to discuss some of our concerns, and associated relief sought, in relation to six themes: decision-making; water allocation; water quality; notable values; Tangata Whenua and finally, implementation issues.

Decision-making

- 15 The management of freshwater resources involves complex inter-relationships between natural systems, land-use, community interests and values. Also poor quality information and the lack of information are common issues that local authority decision-makers often face with when considering consent applications or when setting water quality standards. Therefore clear national guidance and direction is a positive step towards helping facilitate and improve the decision-making process of local authorities.
- 16 Poor quality information and the lack of information are common issues that local authority decision-makers often face with when considering consent applications for discharges or water takes or when setting water quality standards etc. Therefore, increased direction is required to guide how decisions should be made in the face of uncertainty beyond that already provided by the RMA. The proposed NPS does not appear to offer any additional direction in relation to making decisions when presented with varying degrees of uncertainty.
- 17 Objective 4 relates to the recognition and protection of life-supporting capacity and ecological values, but it does not acknowledge other values such as those of riparian margins.

Relief Sought:

- 18 Greater national guidance and direction is sought within the NPS to aid in the decision-making processes of local authorities. This should include high level policy direction to adopt an integrated management approach to all levels of decision making and to guide how local authorities could make decisions when faced with uncertainty.

- 20 Reference should be made to the contribution of other associated values such as the value of protecting biodiversity as part of life supporting capacity and ecological values referred to in Objective 4.

Water Allocation

- 21 The proposed NPS should set national priorities for water allocation or require that regional councils should set priorities for competing demands in their region. With respect to the issue of over-allocation of freshwater, the NPS does not set an objective to avoid this issue nor does it provide policy direction as to how to address over-allocation once it already exists
- 22 The ARC does not support the privatisation of water, but it does support the mechanism of transferring consents and notes the need to avoid the use of freshwater resources as a speculative commodity

Relief Sought:

- 23 The NPS should provide an overall objective to avoid the over-allocation of freshwater resources and provide encouragement to regional councils to initiate cap and transfer schemes if they so chose. Direction is also required to help address current over-allocated catchments
- 24 Policies are required to guide regional councils in the prioritisation of water use. A specific policy should direct regional councils to firstly, prioritise water allocation for reasonable domestic and animal drinking water needs; secondly for reasonably foreseeable municipal water supply requirements (subject to appropriate water conservation and demand management initiatives); thirdly for "non-consumptive" needs (i. e. water that is used and then returned to effectively the same place at effectively the same time), and fourthly, everything else over and above sufficient water flows to meet in-stream requirements

Water Quality

- 25 While New Zealand still possesses many freshwater resources of excellent quality, increasing land-use pressures are causing deterioration of water quality in various parts of the country. It should be acknowledged that the contribution from non-point sources is a significant issue and the NPS should provide a strong direction to local authorities with regards to the control of land use.

Relief Sought:

- 26 A statement within the NPS is required to illustrate that the contribution from non-point discharges is a significant national issue, and as such, the greater control of land-use by local authorities is encouraged. Policy direction is required to state

that further degradation of freshwater resources as a result of land use and the discharge of contaminants is avoided wherever possible. The control of land use should be integrated with imposition of water quality standards.

- 27 Policy is required to give guidance to regional councils in the identification of "at risk" catchment (i.e. catchments that may currently have acceptable water quality but will become degraded if actions do not occur). Therefore, the ARC supports a stronger mandate within the NPS to prevent further degradation of freshwater resources as a result of land use and discharges of contaminants within "at risk" catchments
- 28 Remove the term "swimmability" and replace with contact recreation standards where appropriate.

Notable Values

- 29 The determination and identification of "notable values" is essential to the approach taken by the proposed NPS, and in effect, underpins what will be defined as an "outstanding" or "degraded" freshwater resource. However the definition of "notable values" is rather narrow and does not give clear national direction as to what particular values should be given additional weighting to support regional decision-making.
- 30 The proposed NPS does not give clear guidance as to how local authorities would manage any identified "outstanding" or "degraded" freshwater resources beyond that given by the definitions of these two terms

Relief Sought:

- 31 Establish a series of criteria that can then be applied at a regional level and set out a process to help regional councils identify the notable values. This will help in the final determination of values during consultation with the regional community and would result in any applied water quality standards and timeframes being reflective of national and regional community values
- 32 Central Government should allocate resources to regional and territorial authorities to aid in the provision of enhancement or protection actions.

Tangata Whenua

- 33 The Proposed NPS seeks to ensure the involvement of both iwi and hapu in the management of and decision-making regarding all freshwater resources of the region as per Policy 1 (d). Policy 1 (e) notes that regional policy statements are to identify Tangata Whenua values and interests in respect of all freshwater resources of the region

- 34 While this is supported, there can be a number of issues with this approach, due can be numerous iwi and hapu within any particular region, therefore the obligations on local authorities could be onerous in terms of resources.

Relief Sought:

- 35 Make the NPS consistent with the provisions in the RMA that relate to Tangata Whenua and define what is meant by the term "interests". Also the NPS should provide guidance to direct local authorities to work with Tangata Whenua to identify characteristics of freshwater resources that are of special value.

Implementation Issues

- 36 The Proposed NPS directs that regional and district plans are to be notified within 40 working days of an RPS that gives effect to the NPS being made operative. The ARC believes that this proposed timeframe is both unreasonable and unrealistic. Since this proposed timeframe would mean bringing forward many regional and district plan reviews in order to be consistent with, or give effect to, the reviewed regional policy statements', many local authority resources will be consumed as a consequence. This would have the effect of taking resources away from programmes aimed at water quality improvement and monitoring to spending on plan reviews and plan changes or variations
- 37 The approach of applying water quality standards and environmental flows and water levels as rules is relatively uncommon in regional plans. As a consequence, this will offer a number of technical and legal challenges in relation to the writing of these rules themselves and the monitoring and consenting of any associated activities

Relief Sought:

- 38 The timeframe for regional and district plans to be notified within 40 working days of an RPS that gives effect to the NPS being made operative should be removed. This in turn should be replaced with directing regional and district councils to give effect to the NPS for Freshwater Management no later than the next statutorily required plan review.
- 39 Regional councils should be given the option of implementing any water quality standards and environmental flows and water levels either as policies, methods or as rules. If water quality standards and environmental flows and water levels are written as policies or methods, then these shall be recognised and provided for when assessing resource consent applications
- 40 Any terms that are to be used in the NPS that are not referred to in the RMA should be clearly defined in order to improve clarity and reduce the likelihood of litigation

Conclusion

- 41 In conclusion, the ARC would like to re-emphasise its support for the policy direction of this Proposed NPS, and is itself intending to apply a similar direction to its review of the Auckland Regional Policy Statement. The Auckland region currently faces, and will continue to face, a number of complex resource management issues. It is therefore vitally important to have clear guidance and policy direction set at a national level to help both regional and district councils deal with these complex freshwater related issues.
- 42 The Auckland Regional Council would again like to thank the Board once more for the opportunity to provide feedback on the Proposed NPS and hope that our comments are of use.