



Mackenzie District Council

FORM 3:

Submission on Proposal for National Policy Statement for Freshwater Management

Section 49 of the Resource Management Act 1991.

To: the Chairperson
Board of Inquiry

From: Mackenzie District Council
PO 52
Fairlie 7949

This is a submission on the **proposed national policy statement for freshwater management**.

The specific provisions of the proposal that my submission relates to, the reasons for the submission and the changes sought are detailed below.

I do not wish to be heard in support of my submission.

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19/12/08
Date

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freshwater resources". The proposed NPS does not provide direction on these matters sufficiently, and this is a missed opportunity in terms of providing a clear mandate to support Councils in managing the effects of land use activities.

The proposed NPS should clearly outline the different roles and responsibilities of regional and territorial authorities. This is considered essential to avoid duplication of functions in respect of administering the NPS.

Tangata Whenua

We consider that the introduction of new terms in the NPS in relation to consultation and processes with Tangata Whenua is not helpful. We believe it would not be useful to introduce new requirements or structures for consultation.

Resourcing

Resourcing is a significant issue for the Mackenzie District Council. The costs of implementing the proliferation of NPSs and other national instruments to a Council such as ours are significant. Central government funding of the implementation of the NPS would assist in ensuring its outcomes were able to be better achieved.

Submission on Proposed National Policy Statement for Freshwater Management

General

The Government's attempt to clarify its position in relation to management of freshwater resources is in general supported by Mackenzie District Council. However the NPS as proposed represents a missed opportunity in respect of clarifying national priorities for freshwater management, assisting local authorities in their respective functions in relation to management of the resource, and providing clear direction to achieve the objectives set out in the document.

We also submit that resourcing is a major issue particularly for mid-sized to smaller Councils. We consider that this will also have a significant impact on the success or otherwise of the implementation of the proposed NPS.

Timeframe

Policy 3 requires territorial authorities to notify a change to the District Plan no later than 40 working days after the Regional Policy Statement provisions are made operative. This timeframe is unachievable and unrealistic. It is neither desirable nor expedient to rush such a change, if the intent is to achieve outcomes that will be supported by the community.

Definitions and wording

There are a number of new terms used in the document, many of which will be key to the application of the NPS and the subsequent changes to provisions in District Plans. We are concerned that there would be potential for litigation or even different interpretations across Councils, which is not helpful in relation to those terms that are material to the implementation of the document. For example, it is important that the definition of "*freshwater resources*" captures everything it is intended to. "*Swimmability*", "*notable values*", and "*land use development*" are all examples of words or concepts which are not in present use under the Act and have different meanings to what is currently in place. It is essential that their relationship with existing terms within the RMA is made clear.

Cumulative Effects and Precautionary Approach

The proposed NPS does not clearly outline either of these principles or how they might apply in respect of land use controls and freshwater management. In that respect it does not add anything to that already in place under the Act. This NPS is an opportunity for clarity in managing these issues, but the document has not captured that at present. We consider that stronger guidance is needed.

Setting Priorities

While the proposed NPS seems to provide support for prioritising domestic water supply, it does not further assist in setting out priorities for demands on freshwater. The NPS should clearly identify municipal water supplies and their management as a priority. The NPS should also provide the flexibility for Regional Councils to assess and identify other priorities on a region-specific basis.

Water Quality

National values in relation to managing water quality are not identified in the document, nor is there clear guidance for local authorities in managing "*outstanding*