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Board of Inquiry – Water
Free Post Board of Inquiry - Water
C/- PO Box 10-362
WELLINGTON 6143

Dear Sir or Madam

PROPOSED NATIONAL POLICY STATEMENT: FRESHWATER MANAGEMENT

1. INTRODUCTION

The following submission by the Hawke's Bay Regional Council has been prepared in response to *Proposed National Policy Statement for Freshwater Management* Councillors formally considered its comments at a meeting of Council held on 17 December 2008.

In the course of developing this submission we have met with staff from our territorial councils and there is general agreement on the views expressed in this submission. In addition the Hawke's Bay Regional Council is a member of *Local Government New Zealand* and supports the submission to the Board of Inquiry lodged by *Local Government New Zealand*

When initially consulted in 2007 on the direction and contents of a potential national Policy Statement for Freshwater Management Council considered that the following actions were key to addressing the issues:

- (a) Identification of the national interest in water by central government
- (b) Advocacy for that national interest through a whole of government approach, including prioritisation where conflicts exist between matters of national interest
- (c) Building of councils' capacity and dissemination of good practice in strategic planning for water, the setting of environmental bottom lines and allocation limits and efficient water use
- (d) Support (including financial) by central government for research particularly in the area of management of diffuse discharges
- (e) Introduction of a requirement to make water measuring systems compulsory
- (f) Ongoing collaborative approach between central and local government, scientists and key stakeholders in freshwater management.

The Hawke's Bay Regional Council is concerned that a number of these actions are missing from the Proposed National Policy Statement. We would like to see these matters identified as key outcomes for any final NPS.

2. GENERAL STATEMENT

Council supports the preparation of a National Policy Statement (NPS) that identifies and provides for nationally significant issues. Council has already confirmed the importance of freshwater to the Hawke's Bay region through its long-term strategic planning and welcomes the opportunity to input into the development of a national interest in freshwater by central government.

It is a useful idea to identify nationally important values. However, from a local government perspective, this is only the beginning of the process. The key for us is resolving conflict between values. This is where central government can make a difference by prioritising the national values within the decision-making framework and this can be done through the development of the NPS.

Council supports a central government process which prioritises the national interest in water within the context of all the matters with which it deals. It is not helpful for councils to have to be considering conflicting points of view from various government departments in our planning and consent decision making processes. This is where the setting out of government's priorities for water management will be of real help to its own departments.

Therefore the proposed NPS is a significant disappointment in this regard as the opportunities to express and contextualise national freshwater values has been lost. As notified the proposed NPS is focussed almost solely on process and not on issues or outcomes.

HBRC's submission is therefore presented within the context of the Proposed NPS being a missed opportunity for central government.

3. STATEMENT OF NATIONAL VALUES

National policy statements state objectives and policies for matters of national significance that are relevant to achieving the purpose of the RMA and these guide subsequent decision making at national, regional and district levels.

On MfE's website the Ministry states that stronger linkages between NPSs and NESs are likely and that while a policy statement is being developed, related national standards could be developed in parallel. This makes sense as a process and is supported by HBRC.

A National Policy Statement for Water should declare the national interest in the management of water resources and it should include objectives and policies to outline national priorities to manage the availability, allocation and use of freshwater.

The Proposed NPS does not clearly define the issues it seeks to address so it is difficult to assess the likelihood of it being successful. What local authorities need (and particularly regional councils with their water management functions) is a regime which identifies key national values to be achieved.

HBRC seeks that national values and outcomes for water management be clearly articulated by the incoming government addressed either through a revised version of the Proposed National Policy Statement for Freshwater Management or through amendments to the Resource Management Act (including Part 2).

4. DIRECTION FOR DECISION MAKERS

Of concern to regional and local decision makers is the absence in the Proposed NPS of any clear guidance of how the objectives could or should be achieved. The NPS establishes a process for identifying outstanding and degraded water bodies but then fails to provide clear national direction as to how these water bodies may be managed. In many instances throughout the NPS the guidance provided to local authorities does not extend beyond that already provided by the Resource Management Act.

Matters such as how cumulative effects on water quality should be managed frequently exercise local authority decision makers and yet no direction is provided for this in the NPS. The NPS fails to give consideration to the range of values associated with water bodies or that water bodies are at various levels of degradation or that water bodies can naturally degrade.

Objective 6 in the Proposed NPS provides some guidance on managing freshwater demands but fails to establish an objective to avoid over-allocation of resources which would give councils a strong mandate to use their powers to make rules that affect existing consent holders via review provisions.

HBRC seeks an amended Proposed National Policy Statement which provides high level policy direction to adopt an integrated management approach to all levels of decision making, including in terms of growth strategies, regional policy statements, regional plans, district plans and resource consents.

5. POLICY 1

HBRC has a range of concerns with the intent and effectiveness of Policy 1. A number of the requirements in this Policy (e.g. in (b), (c), (g), (i), and (j)) do not link back to any clear overall objectives in the NPS and therefore are not likely to bring about any national consistency in freshwater management. For example the term "notable values" is new within the context of resource management legislation and is not defined by the Proposed NPS nor linked to any objective. No guidance is provided in the NPS as to how local authorities are to treat "outstanding freshwater resources" and "degraded freshwater resources".

There is an opportunity, which the NPS has failed to make use of, to address the planning and co-ordination of infrastructure for the purpose of enhancing the efficiency of water use or acknowledging the role that infrastructure planning has to play in enhancing water efficiency.

The requirement that regional policy statements direct and guide regional and district plans to ensure integrated management of effects of land use development raises the issue of what is meant by land use development. Does this provision relate to changes in land use when they occur or is it also concerned with existing land uses and their impacts on water quality?

In relation to Policy 1 HBRC seeks extensive revision to the Proposed NPS so that the NPS is less focussed on the process of changing regional and district plans and instead provides direction to councils on the content of any changes in terms of priorities and management of cumulative effects.

6. **POLICY 2**

The timeframes set out in Policy 2 are unreasonable and unrealistic. They do not recognise the hierarchy of planning instruments and will only provide scope for freshwater issues to be addressed inconsistently between regional and district planning instruments. The concentration on process, which Policy 2 exemplifies, is at the expense of understanding the resources and what the impacts on them are.

In relation to Policy 2 HBRC submits that the NPS should focus on identifying the objectives and policies that must be taken into account next time a plan is reviewed. It should provide for regional councils and their constituent territorial authorities to set timeframes for reviewing regional and district plans ensuring a focus on the best outcomes for the region and districts and not just the quickest plan changes.

7. **POLICY 3**

As with Policy 2 the timeframes are unrealistic and focussed on process not outcomes.

HBRC seeks that Policy 3 either be deleted or be augmented by changes to the objectives to provide clearer national direction.

8. **POLICIES 4, 5, 7**

In the view of the HBRC these policies add no value whatsoever to the Proposed NPS as all the matters which the policies require council to "consider" are already either in the Resource Management Act or previous parts of the Proposed National Policy Statement.

HBRC seeks that Policies 4,5 and 7 of the Proposed National Policy Statement be deleted in their entirety.

9. **OTHER MATTERS**

Hawke's Bay Regional Council considers it imperative that central government provides technical and financial support to local authorities to assist in implementing the NPS. In other countries, for example Australia and the US, any federal/central government requirements are accompanied by financial support to ensure that the measures are able to be enacted as intended.


In the past few years such support has been noticeably lacking from central government in New Zealand and local authorities have been left to bear the brunt of the costs of implementation and the community fallout that accompanies any perceived punitive regulations (e.g. air quality standards) or rates increases.

HBRC seeks that central government provides an implementation package for the proposed NPS, including guidance material, research and funding.

10. HEARING OF SUBMISSION

If there is an opportunity to be heard on this submission we would be pleased to discuss our range of concerns.

Yours faithfully


Rex McIntyre
CHAIRMAN

cc Chris Tremain MP
Craig Foss MP
Anne Tolley MP
John Hayes MP