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## **Ruapehu District Council's submission on the Proposed National Policy Statement for Freshwater Management**

**TO:** Board of Inquiry  
Ministry for the Environment  
[freshwater@mf.govt.nz](mailto:freshwater@mf.govt.nz)

**SUBMISSION FROM:** Ruapehu District Council  
Private Bag 1001  
TAUMARUNUI  
3946  
Email: [info@ruapehudc.govt.nz](mailto:info@ruapehudc.govt.nz)  
Tel: 07 895 8188

**POINT OF CONTACT:** Liezel Jahnke  
POLICY PLANNER

Ruapehu District Council (RDC) thanks the Ministry for the Environment (MfE) and the Board of Inquiry for the opportunity to submit on the Proposed National Policy Statement for Freshwater Management (PNPS).

We do not wish to be heard in support of this submission.

### **Introduction**

The Ruapehu District is a largely rural area with significant tracts of agriculture, forestry, conservation and defence estates as well as a rapidly growing tourism industry. The District contains and provides access to the Mount Ruapehu ski fields, the Whanganui National Park and the Tongariro National Park, the latter receiving over 700,000 tourists and visitors per year.

Property development in the District has been quite uneven in recent years, with a large increase in rating units and holiday homes in the National Park area and the southern Waimarino-Waiouru ward, which includes Ohakune. The large seasonal influx of non-resident ratepayers and visitors has a significant impact on Council infrastructure and services, including water management and supplies.

The Ruapehu District community is small in size and quite varied in its population, with a large part of the community who struggle economically and living in relative isolation and deprivation. Affordability is a real and growing concern in the District, with any additional financial pressures and costs having significant impacts on the social and economic wellbeing of the majority of the community.

RDC wishes to express its support for the submission made by Local Government New Zealand (LGNZ) on the PNPS.

## **Submission**

### *General comments*

1. RDC supports the overview of freshwater management issues set out in the preamble to the PNPS, including stating the central importance of water to the overall wellbeing of communities, its cultural and recreational value and the array of challenges faced with freshwater management across New Zealand.
2. RDC is committed to providing for the wellbeing of its District community which includes a strong focus on sustainably managing natural resources such as freshwater. Due to the exceptional local environment and small population, the District is fortunate to have freshwater resources that are mostly in abundance and in very good condition and preserving the freshwater environment in this state is particularly important.

### *RMA process and litigation*

3. The PNPS adopts a prescriptive approach to the process for the development of freshwater management policy through policy statements and plans. However, it does not adequately address issues related to the integrity and effectiveness of existing processes under the RMA.
4. The prescribed process will result in many years of costly plan changes for local government, only to potentially result in many different and potentially less effective approaches to be taken to freshwater management across the country. A key objective of a NPS should be to minimise the amount of litigation that local authorities face but the requirements this PNPS is unlikely to achieve this.
5. RDC submits that if the PNPS proceeds and is implemented, it must acknowledge that changes to policy statements and plans to give effect to a NPS requires a significant amount of time and resources from local authorities and an appropriate timeframe should be set for achieving this.

### *Costs and benefits*

6. RDC does not believe the implementation of the PNPS in its current form will enhance the quality, quantity or management of freshwater resources. In particular, RDC believes the uncertainties over the actual benefits that may be achieved over time do not justify the huge cost imposed on local authorities, and ratepayers, associated with implementing the prescriptive approach of the PNPS. If a national approach to freshwater management is taken and implemented, RDC believes central government should also assist in fully or at the least partly funding the implementation of the PNPS, as the cost would be unaffordable and unsustainable for ratepayers to carry, especially in a small District such as Ruapehu.
7. Appendix A to the Section 32 report on the PNPS mainly analyses the administrative costs to local and central government of giving effect to the regulatory aspects of the PNPS, at a combined total of over \$100 million. However, it does not account for expected expenditure required from local authorities to upgrade or renew water-related infrastructure in response to revised planning provisions and resource consents giving effect to this PNPS.

8. RDC submits that attempting to achieve the stated, but uncertain, environmental and cultural benefits in this PNPS will be outweighed by the potential economic and social costs to the community and ratepayers. This could ultimately result in reduced overall community wellbeing and would be unsustainable into the future.

*Infrastructure development (Objectives 1, 2, 7 and Policies 1, 2, 5, 6)*

9. As stated above, there appears to be a lack of analysis or consideration of the cost of improving local government infrastructure to achieve the requirements of the PNPS. The types of projects that RDC believes would be required include:
  - Upgrade of sewerage systems, particularly where discharge is to a surface waterway
  - Installation of new sewerage schemes in some areas where on-site systems may be contributing to water degradation
  - Stormwater treatment (likely to require installation of water treatment plants)
  - Land purchase for disposal of discharge water, where discharges are into waterways and a change to land discharge may be required (not feasible or sustainable in all areas)
  - Measures to improve efficiency of water use, such as water metering
  - Additional water supply and storage infrastructure
  - Monitoring systems and equipment
10. The full extent of infrastructure works and expenditure that may be required to give effect to the PNPS is uncertain and will remain so until the relevant local regulatory framework has been revised through changes to regional policy statements, regional and district plans.
11. RDC submits that instead of imposing the regulatory and administrative costs considered in Appendix A of the Section 32 report, any national or local funding and resources devoted to freshwater management should rather be spent on achieving tangible benefits, such as through infrastructure projects to improve the quantity, quality and efficient use of water (listed above). The Ministry of Health's Drinking Water Assistance Program (DWAP) is an example of spending directly on infrastructure rather than on policy and planning. As it stands, the PNPS will place a double funding burden on local authorities and ratepayers: firstly, the administrative costs of the regulatory implementation of the PNPS, and secondly, expenditure on resource consents and infrastructure projects to comply with this revised regulatory environment.

*Tangata whenua values (Objective 8 and Policies 1, 4, 5, 8)*

12. The number of hapu in each district can be numerous (in some circumstances, in the hundreds) and the obligation on local authorities to involve both iwi and hapu is onerous and costly in terms of available resources.
13. The process prescribed in the PNPS does not address the capacity and capability of iwi/hapu to engage meaningfully in RMA decision-making. It also overrides existing governance arrangements and reduces flexibility to develop appropriate processes for

Maori to engage with their local councils in RMA processes regarding freshwater management.

14. RDC submits that the use of the terms "iwi" and "hapu" are inconsistent with the RMA, which refers to "tangata whenua" and that the PNPS be amended to reflect the use of "tangata whenua" in the RMA. The PNPS should allow flexibility in how local authorities and tangata whenua engage within the framework of the PNPS, with consideration of the capacity and resources of both local authorities and tangata whenua for such engagement.

*Cumulative effects (Objectives 3, 4, 5 and Policy 1(a))*

15. The Proposed Freshwater NPS generally addresses maintaining and enhancing water quality via Objective 3, Objective 4 and Objective 5 and associated policies provides for the setting of water quality standards and minimum flows via Policy 1(a). However, the PNPS does not provide any particular direction in relation to managing cumulative effects, although it is acknowledged that setting water quality standards and minimum flows will assist regional councils to establish "bottom lines". These can assist in recognising the point at which cumulative effects have an unacceptable adverse effect on freshwater quality.
16. The PNPS does not otherwise provide a clear direction to regional councils to avoid the impact of cumulative effects on water quality, nor provide a mandate to local authorities to refuse resource consent applications where the potential cumulative effects of an activity might compromise the minimum water quality standards, minimum flows, etc.
17. RDC submits that the PNPS be amended to provide clarity, direction and a mandate for local authorities to avoid, mitigate or manage cumulative effects.

*Water allocation (Objective 6 and Policies 1, 4)*

18. The PNPS does not set priorities for water allocation or require regional authorities to set priorities for competing demands in their region. It also does not establish as an overall objective the need to ensure availability of freshwater for municipal supply or provide priority for "domestic and municipal supply" as opposed to "domestic water supply".
19. Local authorities use municipal water supply to undertake a range of activities that are important to the proper functioning of communities. The separation of strictly domestic (i.e. human health and sanitation) requirements from all other uses of municipal supply has the potential to create issues with respect to the consenting process and devalues the broad range of municipal supply functions that are essential for the health and safety and social, economic and cultural wellbeing of communities.
20. RDC submits that the PNPS should define and prioritise municipal supply and encourage regional authorities to determine priority for other users based on the particular circumstances of each region.

*Monitoring and reporting (Objective 9 and Policies 2, 3, 6)*

21. RDC believes the 'state of the environment'-type monitoring and reporting requirements in the PNPS are too onerous, will be costly and require resources that are not currently available in many local authorities, such as RDC. Undertaking this additional monitoring and reporting by territorial authorities will not deliver worthwhile benefits to justify the cost and effort. Current regional council monitoring data covers the monitoring requirements of the PNPS. The current monitoring required of this

council to fulfil regional council requirements is already excessively onerous and costly and is becoming a substantial, on-going burden to ratepayers in this District.

22. RDC submits that any monitoring for the PNPS should be undertaken and lead by regional councils, which can centralise resources and information. The emphasis on monitoring and reporting on freshwater resources in the PNPS should take into consideration both the availability and reliability of monitoring equipment and systems.

#### *Diversity of waterways*

23. Although the PNPS refers to all freshwater resources, it appears to not encompass the diversity of these resources or to take into account the different characteristics of urban rivers and streams that have been significantly modified compared to those in rural areas. It is unclear how these differences will be accommodated within the objectives, policies, methods and standards implemented to give effect to this PNPS.
24. RDC submits that the PNPS must provide clarity in this regard and acknowledge, identify and respond appropriately to the diversity of freshwater resources.

#### **Conclusion**

25. In general, RDC supports the intent of the PNPS, however there are several areas that require clarification or definition of what exactly is meant and intended with specific objectives. This will improve the uncertain direction and mandate for local authorities in the current PNPS, with issues such as cumulative effects and water allocation being of particular concern. The wording of the PNPS in relation to tangata whenua involvement should also be consistent with the RMA and the use of "iwi" and "hapu" in the PNPS amended accordingly.
26. The PNPS is very process-orientated and requires more flexibility in how its intent and objectives are achieved by local authorities. RDC believes the cost to local authorities and resources required to implement the regulatory process as it stands would be unaffordable and unsustainable and likely to result in limited benefits.
27. RDC believes the cost on local authorities from infrastructure development in response to a regulatory environment giving effect to this PNPS has not been adequately analysed or considered.
28. Beyond specific changes requested, the relief sought in response to this submission would be based on the "alternative NPS" presented as part of the LGNZ submission.