

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

This is a submission on the following proposed national policy statement (the proposal):
Proposed national policy statement for freshwater management.

The specific provisions of the proposal that my submission relates to are:
See attached submission

My submission is:
See attached submission

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

* If others make a similar submission, I will consider presenting a joint case with them at a hearing.

.....*WJ*.....

Signature of submitter
(or signature of person authorised to sign)

.....22/1/09.....

Date

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SUBMISSION BY WAIROA DISTRICT COUNCIL TO THE PROPOSED POLICY STATEMENT FOR FRESHWATER MANAGEMENT

GENERAL STATEMENT

The Ministry for the Environment (MfE) has invited submissions on the Proposed National Policy Statement (NPS) for Freshwater Management, dated July 2008.

Wairoa District Council (WDC) generally supports the purpose of the standard, being:

'The purpose of the National Policy Statement is to state inter-related and integrated objectives and policies as to the management of freshwater resources as a matter of national significance that is relevant to achieving the purpose of the Act.'

We understand that the proposed NPS has been prepared to assist in identifying and delivering sustainable targets for the take and use of water and to assist in addressing tangata whenua values and interest in the management of fresh water.

GENERAL COMMENTS

We make the following general comments on the proposed NPS

- Currently, activities under the control of regional councils versus district councils is quite clear in relation to freshwater. This NPS will require some integration in the management of freshwater resources – clarification required on where responsibility will lie – no change?
- Definition of 'Notable Values' – this does not correlate with definitions used in the RMA and the definition given in the NPS is very vague/subjective – requires some measurable values?
- Timeframes for implementation seem unreasonable. In particular the 40 day implementation phase for District Councils. Note that regional plans have the same timeframe as district plans – district plans have to have regard for regional plans – how this be fully undertaken when completed at the same time?
- Even the overall timeframe given, starting with regional policy statements within 2 years of the NPS will have resourcing issues when the work required is not just planning aspects but also engineering involvement in considering demand strategies, asset management plans etc to enable a robust integration of all aspects of water supply – quantity and quality.

- How much thought is actually given to the level of additional resources to implement the NPS (especially with a 40 day timeframe), regardless of associated cost? Can be significant for smaller councils. The risks identified in the S32 evaluation are agreed with in this context – timeframes and resources.
- There is a significant amount of repetition across the policies
- Would be clearer if there were identified links between objectives and the corresponding policies.

OBJECTIVES

WDC generally supports the objectives of the NPS. However, we make the following comments:

- Objective 1 states *'To ensure that Freshwater Resources are managed in a way that enables the people and communities of NZ to provide for their social, economic and cultural well-being, and their health and safety'*
 - It is felt that there is not much relationship between the objectives and the policies, in particular in relation to economic well-being, which for many TLAs is a major well-being.

POLICIES

REGIONAL POLICY STATEMENTS

Policy 1

The 2 year time frame for notification of proposed regional policy statements is considered to be tight when taking into account the list of objectives, policies and methods (10) to be addressed.

As above, more guidance is required in defining 'notable values' to be able to determine 'outstanding' and 'degraded' freshwater resources.

'All freshwater resources' – is it really intended that ALL freshwater resources are to be addressed – does this include groundwater bores (as included in the definition of freshwater resources) serving only one residential property for example. Is there scope for requirements for different sources i.e. prioritising some sources such as major rivers?

'Guide and direct' – what is actually expected in terms of regional councils determining what is to be included in district plans. There are already requirements under the RMA for territorial authorities to have regard to regional policy statements and regional plans.

'Guide and direct local authorities as to the involvement of iwi and hapu in the management of and decision-making regarding all Freshwater Resources' - this and other clauses under the policies for the proposed NPS imply a significant level of consultation with iwi and hapu. This is already a requirement under the RMA. Is this NPS setting new or additional rules in terms of consultation?

Appropriate demand strategies may need to be developed in conjunction with the NPS to ensure integrated management of the effects of land use and development, which would involve a review of such documents as Asset Management Plans. This has resourcing issues in its own right, including timing and cost. Some work would likely be required prior to preparation of district plan changes – again, timeframe when, until regional statements are operative, the scope cannot be finalised.

REGIONAL AND DISTRICT PLANS

Policy 2 – Regional Plans

40 day timeframe for notification of proposed regional plan considered extremely tight (see comments under Policy 3 comments)

Policy 3 - District Plans

40 day timeframe for notification of proposed district plan considered extremely tight. Assumes that a considerable amount of work has been undertaken during the notification period for Regional Policy Statements.

Would require considerable resources to prepare a robust proposed district plan, including objectives, policies and rules in 40 days if limited preparation beforehand. To what extent are councils willing to spend ratepayers' money on something for which the scope has not been finalised?

Also, under the RMA, District plans have to have regard to regional plans – how can this be guaranteed when regional plans and district plans have the same timeframe for preparation? (Both within 40 days of regional policy statements)

PREPARATION OF POLICY STATEMENTS AND PLANS

Policy 4

Define '*social and economic transition costs*'

Policy 5

Define '*social and economic transition costs*'

Will be a requirement to align development and infrastructure with the proposed NPS – significant resource commitment and allocation. Has the degree of commitment been fully assessed?

Policy 5c) also requires the integration of water supply, wastewater and stormwater as a consideration when preparing district plan changes – again, resource commitments over a relatively short timeframe.

CERTAIN CONSENTS AND DESIGNATIONS

Policy 6

Potential costs on consent holders.

It is quite possible that amendments to regional and district plans as a result of the proposed NPS will require application for more resource consents as additional activities to those currently undertaken will be identified as being 'discretionary' or 'non-complying'. One of those activities will be farming.

The S32 analysis identifies the agricultural sector as being where the likely costs associated with this policy will lie. Has any consideration been given to subsidies for such activities where there could potentially be a significant cost increase to continuing current activities?

In areas, such as Wairoa, where agriculture is the key industry, such costs could have severe detrimental economic effects on the whole community not just individual businesses.

Who would be responsible for protection of rivers, for example, from stock by way of fencing or dense riparian planting?

NON-REGULATORY METHODS

Policy 7

NPS suggests financial contributions, developer contributions Should consider emphasis on education rather than financial methods?

INFORMATION

Policy 8

'All local authorities will assist the Minister for the Environment by making publicly available an up-to-date register of the regulatory and non-regulatory methods to give this NPS full effect'

Requires clarification; what is actually required?

What are the cost implications?

REVIEW OF NPS

Policy 9

Who will be responsible for collation of data?

IMPLEMENTING THE NPS - COST

This evaluation of costs (S32 Evaluation Appendix A) only refers to central government, regional councils and territorial authorities. Even within those bodies, there appears to be little account of costs outside planning (including enforcement/monitoring) departments such as the cost on engineering departments on reviewing and updating asset management plans and demand strategies to take account of the NPS.

To be able to effectively consider the benefits of implementing such an NPS, there should be at least some consideration of costs beyond the initial implementation of the NPS (essentially being collection of data, updated regional policy statements, regional and district plans – ie planning documents).

Appendix A specifically excludes non-government parties, even though some of those parties are identified in Table 10,11, 12 and 13. To enable an evaluation of costs against benefit, all costs need to be considered including those of the general public, be it through increased cost of water, harsher conditions of consent, in particular on farmers etc.

In terms of the costs identified in relation to district councils (in the order of 1 to 2 FTEs), this is significant for a small council such as Wairoa with a very small rating base.

The summaries throughout the S32 evaluation state that the *benefits outweigh the costs*. The costs can be more easily assessed with monetary value. The majority of the benefits are subjective, being viewed differently by different people. Appendix B of the S32 evaluation realises that the assessment of benefits is subject to error. Can more work be undertaken to provide more certainty to any cost-benefit analysis?

CONCLUSION

In conclusion, Council accepts that the proposed NPS is a means of working towards more sustainable freshwater management.

However, we feel that there are some key issues that need to be addressed to ensure that such a policy statement is implemented in the most appropriate way, as identified throughout this submission including:

- Level of resource commitment over the specified timeframes, in particular for smaller councils where resourcing can be a problem.
- Cost-benefit – need to consider all costs, not just those directly linked to the implementation of the 'planning documents'.
- Consideration of subsidies
- Better alignment of definitions and terms with the RMA

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