

Submission to the Ministry for the Environment on Proposed National Policy Statement (NPS) for Freshwater Management

1. Introduction

Franklin District Council would like to thank the Ministry for the Environment for the opportunity to make a submission to the Proposed National Policy Statement (NPS) for Freshwater Management.

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Given the high degree of importance attached to the management of fresh water nationally and globally, Franklin District Council strongly supports the government's focus on freshwater management and the overall objectives of the proposed NPS. New Zealand faces a challenge to maintain and improve its clean green image over time whilst preserving its freshwater resources for current and future generations.

This submission is divided into general comments and specific comments on the proposed policies.

2. General Comments

1. **Impact on Economic Development:** The proposed NPS may have adverse impacts on economic activity in terms of 'restrictions' on land use and consumption / discharge of water. Some economic activity, particularly the farming industry, will have to absorb additional costs. Nevertheless it is considered that the proposed NPS would bring benefits in the long run, in terms of reducing wastage of fresh water as well as improvement in water quality, which will have a direct positive impact on the "clean, green" image of the country.
2. **Sharing the Costs:** The introduction, implementation and subsequent monitoring activities of the Proposed NPS involve additional work relating to the integration of land use and water management activities presently handled by both Regional Councils and Territorial Local Authorities (TLAs). It is expected that new systems and resources will be required, with increased costs. However the benefits of the proposed NPS will also accrue to Central Government in terms of improvements to the image of the country, savings in health and safety expenditure, development of the tourism industry etc. Hence it is logical for Central Government to share the costs associated with the proposed NPS, with Regional Councils and Local Authorities. Also, the costs could be spread over a period of time by adopting a process of gradual implementation, as mentioned in section 1 under Policy 1 and section 4 under Policy 4.

3. Non-regulatory approaches: Whilst regulatory methods are proposed to effectively manage our freshwater resources, it is important to educate communities about the need to protect freshwater resources in terms of both quality and quantity and to highlight the benefits arising from such policies. In this regard, a programme should be introduced to share scientific and general information, explaining the rationale for the proposed NPS with communities, and to solicit specific inputs / action from the community representing various social, cultural and business groups / sectors.
4. Responsibilities: Freshwater management should essentially be handled by Regional Councils to enable the application of management practices consistently throughout the regions. The water resources which cross TLA boundaries could effectively be managed by a single Regional Council, which would be consistent with the relevant sections of the RMA. However clear guidelines would be required for delegating some of the Regional Council's powers and authority to TLAs where TLAs are likely to retain some responsibility e.g. resource consent related work .
5. Impacts on rural communities: Impacts on rural communities could be of two types. Residents, farmers and industrialists who are currently discharging waste water without treatment or with limited treatment to freshwater sources will have to fund additional work required for avoiding, remedying and mitigating adverse effects. On the other hand, the consumption patterns of fresh water by all parties will have to be carefully adjusted to suit the priorities introduced by the new policies. Though certain segments of the rural community will have initial concerns with such changes, we consider that the proposed NPS will eventually deliver positive results.

3. Specific Comments

Policies for regional policy statements

Policy 1

1. Phasing out implementation: Inclusion of **all** freshwater resources within the proposed NPS may be too big a work load to be handled in the initial stages. Therefore it would be prudent to bring only the major freshwater resources under the control of the proposed NPS to start with. This will enable authorities to establish the required systems effectively; affected parties will get the opportunity to study the changes being introduced and have time to adjust to the changing environment initiated by the proposed NPS. Other freshwater resources could be added once all the stakeholders are ready and willing to assume the increased responsibilities.
2. Realistic time schedules: A timeframe of two years may be feasible to deal with the notification of policy and subsequent consultation process. However implementation and monitoring of the new systems introduced by the NPS may need a longer time and more resources than is presently available to regional councils.
3. Notable Values: Identification of Notable Values will require special studies to be undertaken by industry specialists who could prescribe the criteria suitable for particular types of water resource etc. This would also ensure a consistent basis for identifying such Notable Values across the region or even perhaps the country. The Notable Values will play an important role in the proposed NPS, as the effectiveness

of the NPS will be measured in terms of the Notable Values to be identified and monitored in the future. Therefore regional facilities for monitoring such values and agencies for interpretation and communication of results will also need to be established within the national policy guidelines.

4. Methodology and guidelines for Consents: Longer times taken for resource consent processes are subject to criticism. To control the increases in time taken for the resource consent process with the implementation of this NPS, it is important that regional councils have a set of clearly defined and well documented methodologies / guidelines to deal with individual resource consents / stormwater approvals etc. which have a direct relationship to land use consents.

Policies for regional and district plans

Policy 2

1. Upgrading the infrastructure within Territorial Authorities: As and when the Regional Councils notify a proposed regional plan, plan change or a variation to set Freshwater Quality Standards and Environmental Flows and Levels for the Outstanding, Degraded and other Freshwater Resources of the region, TLAs will be under pressure to 'give effect' to those changes in their resource consent processing. This is likely to require the Councils to introduce a series of improvements to their infrastructure and operating systems within their area of operation. Examples of such upgrading needed to keep pace with improvements in the standards of freshwater resources are identified as follows:
 - Stormwater management and treatment, particularly in areas where horticulture and dairy farming are carried out
 - On-site wastewater disposal systems (proposed NES is currently being developed)
 - Engineering and operational standards / guidelines for stormwater and wastewater disposal applicable for new resource consents
 - Resources for monitoring the newly introduced standards
 - Achieving consistency throughout the District irrespective of the urban or rural nature of the area.

All this upgrading will require additional resources in terms of money, manpower, technology and time. The respective councils will need time to provide for these resources.

2. Integrated Catchment Management Plans: With regard to freshwater management, a lack of integrated management arising from the separation of functions between district and regional councils has been identified as one of the problems in the past. This particular aspect needs to be addressed, as the policy implementation is expected to be shared by both types of councils, even after the proposed NPS, which proposes to expand the scope of freshwater management for regional councils. The Integrated Catchment Management Plans (ICMP) should be undertaken by the respective councils for the areas which have not so far been investigated for the freshwater management and land use development.

Policy 3

1. **Minimising the duplication of functions:** Policy 3 requires territorial authorities to change their District Plans to give effect to the Regional Policy Statement. This should minimise the duplication of functions which could otherwise give rise to cost escalations, delays in implementation and ratepayer confusion. However, amending District Plans is an expensive and time-consuming process, which will take considerable time.
2. **Conflicting objectives in Rural Economies:** In rural areas where agriculture and dairy farming activities predominantly contribute to local economies, Councils might face the challenge of convincing the owners / operators of such businesses about the need to introduce new rules to protect water quality and the effective use of fresh water. Such Councils could anticipate some resistance from the owners and operators of such businesses, who could be expected to fight to safeguard their existing user rights.

Policies for preparation of policy statements and plans

Policy 4

1. **Consistency across the country:** The guidelines provided to assist with preparing regional policy statements to give effect to Policy 1 and Policy 2 are useful to ensure that all major aspects of freshwater management are duly included for controlling and monitoring purposes. This will help to send a clear signal to all regional councils, which are expected to implement a consistent policy throughout the country irrespective of geographical location, demographics, extent of the availability of freshwater resources and current uses of fresh water.
2. **Degree of flexibility and discretion:** Within the proposed policy framework for preparation of policy statements, a certain degree of flexibility is provided for regional and district councils to use their discretion, depending on the current physical and social infrastructure of the region / district. Whilst this is essential for safeguarding existing economic investment and the social, economic, and cultural wellbeing of communities, councils will face challenges in selecting priorities that best serves the current and future interests of their communities.
3. **Consumptive use and water allocation:** Arguments over allocation and re-allocation of water will arise as a result of the attempt to avoid over-allocation of fresh water for consumptive use provided under Policy 4. A clear definition of "Consumptive Use" may be useful to identify the basis for allocating fresh water which will guide Councils and the users of fresh water.
4. **Mixed reactions from communities:** When introducing the freshwater demand management proposed under this policy, Councils could expect resistance and / or reaction from various users when the notification of such policies and implementation of such policies commences. This may be particularly applicable to the management of catchments which are currently managed as water supply catchments. Gradual implementation of policies will be needed to achieve a win-win situation for all the parties concerned.

Policy 5

1. **Economic Contribution vs. Environmental Effects:** TLAs will need to introduce appropriate changes to District Plans to control land-use development, particularly to deal with the resource consent applications for activities relating to farming and horticulture. Both these activities have the potential to cause adverse effects in terms of the quality and quantity of freshwater resources, though the contribution to the local economy by both industries is hugely significant.
2. **Introduction of Good Practice:** Disposal of waste water from farming activities and the contamination from fertilizer and chemicals from the horticulture industry cause adverse effects on the quality of freshwater resources except where remedial action is taken. Introduction of appropriate good practice to these industries is needed as a first step towards minimising the pollution of water resources and optimising the consumption of fresh water.
3. **Water treatment and Recycling:** Industries which heavily use fresh water could be encouraged to use effective water treatment methods and techniques so that the treated water could be recycled for industrial purposes without affecting the quality of industrial output.

Policy 6

1. **'Polluter Pays' principle:** Policy 6 will require the consenting authorities to impose appropriate consent conditions with a view to ensuring the return of fresh water to freshwater resources and to minimise the degradation of the quality of freshwater resources through inappropriate discharges. Such resource consent conditions will increase the complying cost to the consent holders who are already complaining about increased costs. However, on the basis of the 'Polluter Pays' principle, such resource consent conditions could be justified.
2. **Non-regulatory methods and community participation:** Several methods (such as esplanade reserves and designations) are presently being used to safeguard the quality of freshwater resources where applicable, particularly in urban areas. However the quality of fresh water in the waterways in urban areas is difficult to maintain for various reasons. Community participation and the assistance of stakeholders for surveillance of freshwater resources are essential to maintain the required quality standards.
3. **Monitoring and reporting:** Monitoring, reporting and corrective actions are also needed to achieve the expected results of the resource consents granted by the Councils. Policy 6 requires councils to have appropriate systems and resources in place to maintain their freshwater resources and wastewater disposal systems. This requires additional financial and non-financial resources.

Policy for non-regulatory methods

Policy 7

1. Avoiding, remedying and mitigating adverse effects: As mentioned under Policy 5 and Policy 6, there is a need to control adverse environmental effects on freshwater resources by land-use development. The use of non-regulatory methods (such as Financial Contributions and Development Contributions) is necessary to meet the cost of remedying or mitigating the adverse effects and the costs of infrastructure arising from those developments. This warrants an increase in Financial and Development Contributions, but is likely to be resisted in the current economic climate and in the light of increased development contribution levies across local government in general.
2. Revised engineering standards: Engineering standards also must be prepared or upgraded to provide the necessary guidelines to support the relevant remedial or mitigation work mentioned above. This will also form a revised basis for the computation of Financial Contributions and Development Contributions.

Policy for information

Policy 8

1. Public information: In addition to the information on Tangata Whenua Values and Interests in Freshwater resources of the region, the Notable Values, their potential values and the current measured values also should be made available (electronically and in other forms) for the benefit of the public.
2. Duty to avoid, remedy, or mitigate adverse effects: As stated in s17 of the RMA, every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by that person. However, Councils and / or Central Government should also make the relevant information available to everyone using appropriate methods so that the dangers to the freshwater resources can be minimised.

Review of this National Policy Statement

Policy 9

1. Central Government's Role: The successful implementation and the effectiveness of the proposed NPS will depend on the role played by each TLA and regional council. However the benefits arising from the NPS will also accrue to the Central Government and particularly to several other Ministries, such as Tourism, Health, Social Development and Conservation. Therefore it is logical for Central Government to share the cost of implementing the NPS with Councils to reduce the burden on ratepayers.
2. Regular reviews: Reviews of the effectiveness of the NPS should be undertaken by the Regional Councils at least triennially after implementation. This will help to identify the effectiveness of the approach of different regional councils against the different Plan Changes adopted by each of them. (An overall review should be undertaken by the MfE after 10 years as envisaged.)