Western Bay of Plenty District Council

Office of the Mayor

30 October 2019

Ministry for the Environment and Ministry for Primary Industries
Manatū Mō Te Taiao
PO Box 10362,
Wellington 6143
New Zealand

Name: His Worship The Mayor
Organisation: Western Bay of Plenty District Council
Postal Address: Personal details removed
Daytime telephone: Personal
Email address: Personal details removed

Submission on the Action for Healthy Waterways reform package

General responses to the proposals

To whom it may concern,

Western Bay of Plenty District Council (WBOPDC) thanks the New Zealand Government for the opportunity to submit on the proposed Fresh Water reform package. This is a significant piece of work with wide ranging impacts for all sectors of our community.

This submission provides detail on specific submission points WBOPDC wish to make, it is complementary to the Joint submission from Bay of Plenty Regional Council, Western Bay of Plenty District Council, Tauranga City Council, Rotorua Lakes Council, Whakatāne District Council, and Kawerau District Council.

Whilst we support the overall direction of the reform package, there are a number of matters that need further consideration. In particular, we are concerned that this adds another level of complexity and a regulatory response to an issue, without building in necessary support or incentives for bodies. The significant strain this places on resources across all sectors (individuals,
communities, farmers/growers, iwi/hapū, regional councils and territorial authorities), is significant. No allowance for additional funding has been made to support territorial authorities to implement the required changes, with increased costs falling to the ratepayers. We are also concerned at the lack of detail available for drinking water, wastewater and stormwater changes. Whilst we acknowledge the three waters review work is ongoing, ensuring that there is clear alignment across all streams of work would have better allowed us to comment on the proposals’ overall implications.

**Water defines our geography, our economy and our people**

We are a Local Authority that covers 212,000 hectares of coastal, rural and urban areas in the Bay of Plenty region. We have a diverse and growing community with a current population of about 51,300 people. The main urban/village centres are Waihi Beach, Katikati, Omokoroa, Te Puke, Maketu and Pukehina.

To the west is the rugged bush-covered Kaimai Range from which many streams flow to the coastal lowlands and into the estuaries and mudflats of the Tauranga Harbour.

The Kaituna River drains the lakes of Rotorua and Rotoiti into the Maketu Estuary and out to sea, while smaller streams drain the eastern district into the Waihi Estuary.

The agriculture, forestry and fishing sector is the biggest driver of the economy of the Western Bay of Plenty District (mainly kiwifruit and avocado production) contributing 19.6% to the Western BOP district’s Gross Domestic Product (GDP).

Our elected members sit on Te Maru o Kaituna, the co-governance entity for the Kaituna River, and on the Tauranga Moana Harbour Advisory Board, that oversees work in the Tauranga Harbour.

We are invested in making sure that good decisions are made for our water, for our communities and for our economy.

**1. Proposals as a whole - please refer to questions 1-3 on page 19 of the discussion document**

Overall, WBOPDC is supportive of the direction of the proposals, however there are serious gaps and uncertainty around the details which means their effectiveness is difficult to assess. We also note that the approach appears to be regulatory focused, with little consideration of incentivising improvements.

While we too want to see tangible improvements in water quality within the next five years, the proposals do not necessarily ensure this, let alone guarantee a ‘healthy state’ within a generation. Locally it is hard to tell what the impacts will be, as much of the work is reliant on Regional Council processes and expected to be completed in 2023, with actual timeframes for changes subject to these plans. Similarly, many of the proposals are dependant on the three waters review, which is not due until mid-2020, while the issues around allocation and Māori rights and interests are left unresolved, creating uncertainty going forward.
2. Impacts and implementation - please refer to questions 4-6 on page 19 of the discussion document

With specific regard to territorial authorities functions in drinking water, wastewater and stormwater, the details are notably absent and not expected until 2020. We currently have comprehensive stormwater consents and consents for wastewater and for abstraction of ground water for the supply of potable water. Generally, the proposed changes appear to duplicate conditions and documentation rather than enabling improvements.

The essential freshwater programme provides support or exemptions directly to many sectors impacted (including farming, hydroelectric generation, Māori agribusinesses and an implementation package for regional councils) but the consultation document specifically states that for territorial authorities “additional costs will need to be covered by the ratepayer under the Local Government Act” (pg 95). There appears to be support for private businesses from taxpayer dollars but no support for local councils. We hope that it is intended that this will be provided through the three waters review work due mid-2020. The lack of clarity around the changes and its dependence on the three waters review package, limits our ability to effectively assess the impacts for WBOPDC as an organisation.

We have invested heavily in our infrastructure to make sure it delivers the right service now and for the future and we would like to see all other councils’ investing in their infrastructure responsibly too, however where the new regulations require increased and unplanned expenditure, Central Government funding should be made available. We would expect to see clear guidance and a consistent national framework, use of best practice models and solutions, and financial assistance where introduced regulation is significantly above previous requirements.

We request that through the three waters review, funding be made available to local authorities, to improve their stormwater, wastewater and drinking water networks, where any new regulations are introduced that are significantly above those currently in place.

The National Policy Statement – Freshwater Management, National Environmental Standards for Freshwater, the Stock 360 rules, the National Policy Statement – Highly Productive Land, National Policy Statement – Urban Development, etc. are all part of an increasingly complex environment of regulations that do not appear to be sufficiently aligned. This creates on the ground difficulties with conflicting requirements resulting in judgement calls over which laws/rules/policies/statements to “prioritise” in order to get to an end result. This promotes decision discrepancies and/or decision paralysis i.e. no decision. There is a significant amount of positive, high-level thought underway, however a missing gap is improving the physical design/construction part to align with this.

We request that Central Government ensure that its regulatory programme is fully aligned and that additional work is planned to improve planning and operational guidance for all sectors. Any hierarchies for different policy mechanisms should be clearly identified and clarified to enable effective implementation.

The cumulative impact of these changes is significant, placing increasing pressure on council resources across the board. Predominantly for us, this impacts three waters staff, resource consenting teams, resource management teams and design engineering teams. Capacity in the sector is acknowledged to be tight and attracting suitably qualified personnel to some roles can be a
struggle. In order to ensure that the transition is effective, as new rules roll out, we request that comprehensive guidance and support be prepared in collaboration with local government.

*We request that comprehensive guidance and support be prepared with local government, for local government, to ensure consistency and ease of application.*

3. Water commission and other comments - please refer to questions 7-8 on page 19 of the discussion document

The proposal of creating a new Freshwater Commission has some merits in its ability to focus entirely on water issues, however, this is also part of its weakness. Water does not exist alone, but as demonstrated through Te Mana o te Wai, the water, the land and the people are interrelated and independent. It is important that a more holistic approach be taken.

The risk of duplication of effort or lack of role clarity is also a concern. We would prefer to see existing institutions strengthened and coordinated to deliver the same outcomes.

*We recommend that a new Freshwater Management Commission not be established, but the powers and ability to coordinate efforts of existing bodies be examined.*

Questions on the proposed amendments to the National Policy Statement for Freshwater Management and ecosystem-health aspects of the proposed National Environmental Standards for Freshwater

4 Te Mana o te Wai - please refer to questions 9-12 on page 36 of the discussion document

Te Mana o Te Wai as a hierarchy of obligations is supported. Respect for the life-giving quality of water is a concept that is understood across cultures and across times. The hierarchy that Te Mana o te Wai encapsulates is generally supported, however the interactions between the priorities are more nuanced than it may suggest, the health of the water, the land and the people are deeply intertwined.

*We request that Te Mana o te Wai be retained as a guiding principle.*

The second priority is providing for the essential health needs of people, and as a municipal water supplier we strongly support the recognition of water’s importance in this regard. However, health requires more than just drinking water. It requires water to be used for growing food, it requires water to be available at places of work for sanitation and drinking, it requires healthy space for recreation (including swimming), and it requires gainful employment, which often relies on the availability of water.

*Acknowledgement that human health is wider than just domestic drinking water and water for sanitation is requested.*

Further clarification as to what Te Mana o te Wai will mean in practice is sought. In the Annual Resource Management Law Association Salmon Lecture, Justice Joe Williams discussed Te Wai Māori, and pointed out that ‘mana’ only works in a Māori view by recognising water as tupuna. This may have implications for who can act on behalf of the river. Similarly, the requirement in part 3.2 of the NPSFM to give effect to Mana o te Wai as ‘understood locally’, introduces inconsistencies and
multiple interpretations that could vary stream-to-stream. Clarity and consistency early on is a necessity to limit this being an area for dispute and lengthy discussion, especially given the short timeframes to implement the full NPSFM.

**Clarity on how Te Mana o te Wai should be interpreted and implemented in practice is requested.**

We feel that Te Mana o te Wai, as a broad concept, articulates the journey that as a country and community we are already on, and reaffirms the need to make changes to improve water quality. It is therefore useful in this regard. It is necessary that we continue to take all sectors of the community along on this work and the universality of the concept should be more effectively communicated.

**Central government should lead a communications strategy to explain Te Mana o te Wai to the wider community and explain that it is a concept for all.**

5. New planning process for freshwater and redrafted National Policy Statement - please refer to questions 17 on page 36 of the discussion document and questions 40-42 on page 53

Speeding up RMA processes generally is supported where these can deliver equally as robust outcomes. The current process of plan development under the RMA has its limitations. These processes are often time consuming and costly to be involved in to ensure good outcomes for our communities and to safeguard municipal water supplies. It often pits special interest groups and industries against councils and iwi/hapū.

The detail of the proposed changes is notably lacking from the document meaning that full comment is not possible at this time. In general, the proposed process is acceptable, however the interactions between the Regional Council decision making and independent hearing processes should be expanded and clearly outlined. We share many of the concerns raised by RSWS. We note the capacity and capability issues across all involved in this work (Regional Councils, Iwi, Community) will be a significant risk in delivering at speed.

**We request that detailed consideration for how additional resources can be made available to aid capability and capacity issues across sectors and enable meaningful participation, be considered OR, where this remains a significant risk, timeframes should be reconsidered.**

6. New Māori value and new threatened species values - please refer to questions 13-16 on page 36 and question 22 on page 52 of the discussion document

The proposal to either elevate the status of mahinga kai to a compulsory value or strengthen priority given to tangata whenua values in the NPS-FM, does come with some risk of confusion and potential for disagreement. While we in principal support the outcome sought, there is a lack of clarity as to how the proposals would work in practice. We agree with Kāhui Wai Māori’s comments that the critical aspect of success is the resourcing of iwi/hapū to fully participate and ensure that tangata whenua values are meaningfully incorporated into future plans.

**We request that resource for iwi and hapū and/or Regional Councils to effectively enable input into planning processes should be provided.**
We also wish to raise that mahinga kai is likely to be unrealistic in urban environments in the short to medium term, although we wish it were possible. Human habitation will impact waterways in such a manner to make the harvesting and consumption of food uncertain. The sheer number of individuals involved, the density of occupation and different land uses, and the historical effects of land use mean that mahinga kai can not be guaranteed to be fully safe in urban environments. We acknowledge that this may be something that can be discussed with iwi/hapū through the preparation of subsequent RMA Plans.

We request that further clarity be provided as to how mahinga kai or strengthened priority for tangata whenua values will work in practice.

7. Exceptions for major hydropower schemes - please refer to question 19 on page 36 of the discussion document

The Council acknowledges the need to prioritise renewable energy and the rationale behind exemptions proposed for six major hydro energy schemes. However, we agree with the comments of the advisory groups that this does seem to undermine the very principle of Te Mana o te Wai.

The exemptions appear to protect private assets that make a profit for shareholders, albeit providing an important national utility. This does not appear equitable. Especially when territorial authorities are told to charge ratepayers more to meet any new requirements for three waters networks.

We support the comments made by the advisory groups KWM, FLG and RSWS and would prefer to see some more nuanced thinking, rather than blanket exemptions.

We request that enabling exemptions and offset mitigation requirements be included for the six hydro schemes rather than full exemptions.

8. Nitrogen, phosphorus, and sediment attributes - please refer to questions 20-21 and 30-35 on pages 52 and 53 of the discussion document

The proposed attributes appear to be appropriate. We would hasten to add that the interactions between freshwater bodies and sensitive receiving environments such as tidal estuaries needs further consideration. While instream values maybe met, the cumulative impact on the estuary can be very negative. It is therefore necessary to start with the sensitive environment and work upstream.

The discussion document fails to acknowledge the huge impacts of increased sediment load, but just seems to focus on mangrove expansion. Mangroves are a symptom and not the problem, the significant damage to sensitive receiving environments, such as our estuaries, should be the focus.

We are aware that the Parliamentary Commissioner for the Environment is currently undertaking work looking at New Zealand’s estuaries and we request that this work be fully considered in developing an approach.
9. Ecosystem health policies - please refer to questions 23-29 on pages 52 and 53 of the discussion document

We have significant concern that the impact of the Healthy Waterways programme will prevent Māori land from being able to be developed to the extent the owners may wish it to be. The requirement to reduce the level of contaminants in waterways and to prevent any decline in water quality, combined with the need to limit any future allocations, and the requirement to get a resource consent for any intensification of land use, ultimately combine to prevent Māori owned land from being developed. This acts as a mechanism locking Māori out of their land.

*We seek that the proposals be reconsidered and suitable changes made so as not to block Māori land from being suitably developed in accordance with owners’ wishes.*

10. Ecosystem health attributes - please refer to questions 20-21 and 39 on pages 52 and 53 of the discussion document

The general approach to ecosystem health appears positive, however we are not best placed to determine which approach is best and refer instead to The Bay of Plenty Regional Council’s position on this matter. However, with regard to the NPS-FM at large with have a number of comments.

WBOPDC is supportive of and involved in BOPRC’s work on the Kaituna-Maketu and Pongakawa-Waitahanui Freshwater Management Units (FMU). Community engagement and Tangata Whenua Co-Governance have set this area in good stead for community values and limits to be identified. However this is just one catchment in our district and the need to upscale and speed up this process across the entire region will incur significant financial costs to the region’s ratepayers, as well as test resourcing across sectors (Community, iwi/hapū and ourselves, as well as Regional Councils).

*We request that support (expert, financial, policy drafting or other) be made available to Regional Council’s to deliver on the tight timeframes OR that the timeframes be reconsidered.*

There is concern around the ambiguity of catchments and groundwater, and while page 21 of the discussion document seeks to outline just how these are linked and how FMUs will cover both, we do not feel that the mapping of groundwater is suitably reliable and the understanding of the real interactions between surface and groundwater is not fully understood in each catchment. By way of example our water supply network utilises groundwater only. The water extracted from some of these bores is over 140 years old, and is understood to have come a large distance from the bore site. The complexities of unconfined, and confined aquifers, and their interaction with each other and surface water makes effective mapping of this as an FMU and the identification of the interested parties and hapū unreliable and complex.

*We request that further consideration be given to how FMUs will function and how groundwater is treated.*

Integration between District Plans and Regional Plans is key to ensure consistency and good outcomes are achieved. However, there needs to be absolute clarity on roles and responsibilities. We do not want to see duplication and inefficiencies occur, neither do we want to see issues left to ‘fall between the cracks’ as no one agency takes responsibility through unclear mandate.
11. **Swimming - please refer to question 36 on page 53 of the discussion document**

Use of our district’s water bodies for recreational use and especially summer swimming, is high. Whether this be in our streams and rivers or our estuaries, people should have confidence that they will be safe.

Clear standards for swimming sites are supported, however as the onus of these regulations fall on Regional Councils’ and we feel they are better placed to provide detailed feedback on the proposals.

12. **Flows and metering - please refer to questions 37 and 38 on page 53 of the discussion document**

We agree that quality monitoring data will lead to better decisions, management and outcomes. We support the concept of universal metering of all takes over the 5l/s threshold. As we have experienced with the introduction of universal drinking water metering in our district, this can reduce demand and enables the supply to be better managed. We do however note that for some areas in our district, reliable telemetry would be difficult or cost prohibitive.

*We support the requirements for increased monitoring data and request, and recommend that alternatives should be allowed where technology/transmission does not enable telemetry.*

We would also like to point out the significant cost that this brings, both in the initial capital outlay, but also in regular ongoing bills. This appears to be an opportunity for Central Government to ‘bulk buy’ delivery of both telemetry units and transmission services, and pass on the efficiencies gained through this process to the end users. Leaving it for individual farmers and growers would appear to be inefficient and a missed opportunity.

*We request that Central Government negotiate/bulk buy telemetry units and operational contracts to secure cost savings.*

**Drinking water, stormwater, and wastewater**

13. **Drinking Water National Environmental Standards - please refer to questions 43-45 on page 56 of the discussion document**

Source protection is an important element in the multi-barrier approach we take to managing our drinking water network. We support the high level direction of the policies and feel that increased powers to ensure source protection are beneficial. However, full comment will only be possible once the detail is drafted next year.

The intention to expand the scope of the regulations to capture ‘all registered water supplies serving more than 25 people (for at least 60 days per calendar year)’, should be considered more fully before it is included in any draft amendments. This will capture a lot of previously unidentified smaller suppliers. Consideration is needed as to who is responsible for identifying and mapping these supplies. These should also be mapped to determine what level of restriction this will place on land use across the country, and evidence of the level of risk these smaller sources represent.

We also seek that in the preparation of the Drinking Water NES, that care is taken to fully define the role of Regional Councils and the role of Territorial Authorities in the process. We do not wish to see confusion or duplication of roles.
14. Stormwater and wastewater - please refer to questions 46-50 on page 62 of the discussion document

Proper management of stormwater and wastewater is one of the core functions of Council and one we take very seriously. The outcomes sought through the proposal are positive and we wish to see all operators invest in their schemes and suitably mitigate risks.

A significant portion of the proposals appears to be aimed at data collection for benchmarking purposes. We currently undertake national benchmarking with Water NZ and find this a useful management exercise. We are also currently required to report on a number of mandatory non-financial performance measures set by the Secretary for Local Government. These have their issues and can be significantly improved. These could be amended to cover some of the proposed measures. Careful drafting of these measures is sought, the proposed measures are primarily qualitative in nature and ensuring consistent interpretation and reporting should be a focus.

We request that the mandatory non-financial performance measures set by the Secretary for Local Government be amended to address any new measures proposed.

We request that full discussions are held with industry specialists, such as Water NZ, to determine any new metrics.

The proposed obligation to develop Risk Management Plans (RMP) for both wastewater and stormwater, appear to duplicate what is currently required through comprehensive consents, Asset Management Plans and Infrastructure Strategies. The proposal states that the RMP should ‘consider future demand pressures on the system, such as climate changes and urban growth and intensification’, this is exactly what a good Asset Management Plan currently does. Rather than create duplication, we seek that good practice guidance and examples be promoted and the value of quality asset management be a requirement for any additional funding requests to central government (where improvements to infrastructure are needed significantly above current standards).

We request that the proposed RMPs be reconsidered so as not to duplicate current consent, asset management plan and Infrastructure Strategy requirements.

The value of an NES for Wastewater Discharges and Overflows is questioned. Consent conditions should meet the local requirements and setting national minimum standards may encourage operators just meet the minimum, and not necessarily meet specific local circumstances. We would like to point out that the variability in consent conditions for wastewater functions across the country may not necessarily be a failing of the current approach, but just reflects local input and prioritisation. A standardisation of approach and conditions may not be suitable and may not meet local communities’ and local iwi/hapū aspirations or concerns. The NPS-FM should set the outcomes we want for our water bodies, and wastewater operations should be consented to meet these objectives.

We recommend that the proposed NES for Wastewater Discharges and Overflows be reconsidered.

WBOPDC is continuing to look at how our stormwater and reserve networks (blue-green networks) can better integrate and provide environmental and community benefits. Similarly, we are exploring the use of water sensitive and green infrastructure through our networks. We would appreciate clear national guidance, as this gives this work more weight and ensures that good practice is in place without duplicating costs.
We support clear national guidance on incorporating green infrastructure into stormwater planning and management be introduced.

**Improving Farm Practices**

15. Restricting further intensification - please refer to questions 51-53 on page 80 of the discussion document

The NES section 8.2 on intensification is generally supported however, further consideration may be needed to ensure that positive land use changes are incentivised. For example, a change from dairy to kiwifruit is becoming relatively common in our region. These changes have the possibility to reduce pollution entering our waterways. Many orchards require irrigation, especially during the establishment phase. The NES as currently drafted would require resource consent to be sought where this is over 10 hectares, which may act as an impediment. The limit will also result in perverse actions, whereby owners deliberately keep under the 10ha limit but still carry out the changes by doing it as multiple individual changes.

*We request that consideration be given to the potential barriers this section may pose to positive land use change.*

We are also concerned that the new provisions may inadvertently capture discharge of treated wastewater to farmland. We currently discharge treated wastewater to 8 hectares of land for the relatively small Maketu wastewater scheme. As we explore alternative treatment and disposal solutions for our other, larger, wastewater schemes, disposal to land has been signalled as a potential option, particularly by tangata whenua. The requirement to apply for an additional consent for such an activity would place an unnecessary barrier and increase in costs to this solution.

*We request that treated wastewater to land be exempt from the restriction on intensification of land use.*

16. Farm plans - please refer to questions 54-57 on page 80 of the discussion document

We note that the requirement to have a freshwater management component in a farm plan is not triggered for horticultural properties of less than 5 hectares. Our district has a significant number of smaller orchards, mostly kiwifruit and avocado. Whilst this reduces the cost imposition and workload on these properties, this may mean that the ability to improve our waterways is limited. The number of these smaller orchards means that the cumulative impact on our water bodies could be quite substantial.

*We request consideration as to cumulative impacts of small orchards, and whether the farm plan requirements for smaller properties should be revisited.*

The requirement that farm plans be independently audited and then reported to Regional Council essentially creates a new industry for farm planners, and, as raised by FLG, blurs the role of a farm planner support/enforcement. It is important that roles for farm planners and regional councils be clearly delineated early.

*We request clearly defined roles and expectations for farm planners and regional councils with regard to Farm Plan monitoring.*
17. Immediate action to reduce nitrogen loss - please refer to questions 58-64 on page 80 of the discussion document

We have no catchments in our district, identified through the current methodology. We have no comments to make on these points as they currently stand.

18. Excluding stock from waterways - please refer to questions 65-68 on pages 80 and 81 of the discussion document

Setbacks are supported. Five metre set backs for stock is considered minimal to achieve the outcomes sought. Greater set backs should be encouraged. WBOPDC currently incentivises riparian planting of 20m, as this delivers wider biodiversity and ecological benefits, reducing the ‘edge effect’ and encouraging a range of native plants to be established. Whilst the 5 metre setback is positive, it does not require it to be planted responsibly and may become a haven for pest species and grasses.

*We support the compulsory stock exclusion of 5 metres, for waterbodies over 1 metre wide, but recommend that 20 metre setbacks be incentivised and that appropriate riparian planting is encouraged.*

We note that this requirement represents a significant increase in auditing, monitoring and compliance costs for Regional Councils. An appropriate funding regime should be put in place, to ensure that the exacerbator pays their fair share.

*That a user-pays system is in place to apportion costs suitably.*

In order to limit sedimentation and run-off, it may be beneficial to also consider what a suitable setback distance should be for horticulture and arable production. Whilst the land is not under the same stresses as pastoral farming, they can have impacts on waterways (for example through the use of copper), a smaller setback in these circumstances (not necessarily fenced) may be appropriate.

*Consideration of setbacks from waterways for horticulture and other arable production is sought, so as to effectively reduce sedimentation and other pollutants entering waterways.*

Regarding sedimentation control more widely, we feel that there should be an increased guidance in regional plans to address sedimentation from building and subdivision works. The opportunity for more national consistent rules and enforcement should be taken. Sedimentation from land subdivision and construction has significantly contributed to the damage to Tauranga Harbour and to the corresponding increase in mangroves.

*We seek additional regulation to strengthen the regulation and monitoring of sedimentation caused by construction or sub-division works.*

We believe that incentivising good practice should form a greater part of the action for healthy waterways package. Encouraging farmers to put in place greater set backs (and suitably plant them) should be recognised with access to funding, carbon credits, offsets or similar. WBOPDC currently incentivises riparian planting and wetland restoration through the ability to access additional subdivision rights (including transferable rights). This is actively encouraging landowners to restore, protect and value wetlands and other ecological features and has successfully been working in the district for a number of years.
Incentives for farmers to invest in riparian margin planting should be considered, this includes carbon/emissions credits or the like or subdivision rights.

The discretionary activity rules for restoring or maintaining a wetland actively discourage landowners or groups from carrying out important restoration work. This prevents positive environmental outcomes. The BOP Regional Natural Resources Plan takes a more enabling approach with permitted rules.

*We seek that this rule be redrafted in order to better encourage and enable restoration of wetlands.*

19. Controlling intensive winter grazing - please refer to questions 69-70 on page 81 of the discussion document

We feel that regional councils and farming advocacy bodies are better placed to comment on these sections.

20. Feedlots and stock holding areas - please refer to questions 71-75 on page 81 of the discussion document

We feel that regional councils and farming advocacy bodies are better placed to comment on these sections.

21. Other comments on the proposed National Environmental Standards for Freshwater - please refer to questions 76-78 on page 81 of the discussion document

We support the increased provision for fish passage. WBOPDC have installed several solutions to better enable fish passage, this includes a fish ladder at Waihi Beach and passive flap gates and other solutions elsewhere in the district. These can come at significant costs and their effectiveness is questionable in some cases. Government led guidance to recognise good practice and standardised approaches would be welcomed. Much like the proposed green infrastructure guidance for stormwater, solutions should be shared from across the country to improve the effectiveness of design and reduce costs.

*We request that a recognised standard is developed and identifies fish passage solutions that are proven solutions and could be duplicated across the country.*

The draft NES currently has a number of requirements for culverts, to better enable fish passage. While the principle is supported, we feel that the drafting of these rules is overly complex and could result in significant cost. WBOPDC has a large inventory of existing culverts (3,118 rural and 182 urban) many of which have permanent stream flows.

We are particularly concerned with 21(d). This rule would require significantly larger culverts to be installed, with a corresponding cost increase. The intent appears to be to limit the velocity of water through the culvert, however 21(c) suitably addresses this issue. We recommend it therefore be deleted as duplication.
We also seek clarity on how the standard will be applied and seek allowance for currently installed infrastructure to continue as is, until such a time that complete renewal is required.

We request that rule 21.d) of the NES be removed and assurance be given for currently installed infrastructure.

Interactions between National Policy Statement for Freshwater Management, National Environmental Standards for Freshwater and other policies

22. Policy interactions - please refer to questions 79-80 on page 101 of the discussion document

As mentioned above, the NPS-FM, NES-FM, the Stock 360 rules, are just one part of a significant programme of regulatory change. Whilst we agree with the direction of many of these pieces of work, there are often significant gaps or drafting issues. Cumulatively the workload is significant. We wish to see the work across government more thoughtfully integrated, and the cumulative impacts on individuals, communities, farmers/growers, iwi/hapū, regional councils and territorial authorities fully considered.

We request that Central Government ensure that its regulatory programme is fully aligned and implications fully considered.

In summary

While we support the direction and intention of the Essential Freshwater programme, we have significant concern about the details and its implications.

We want to see improvements in the quality of the water bodies in our district, but we want to see good quality package of evidence-based regulation and incentives to achieve this. We also would like to see funding made available to address key compliance and implementation costs for local government, where there are significant increases in requirements.

Mayor Western Bay of Plenty District Council