29 October 2019

Ministry for the Environment
PO Box 10362
Wellington 6143
New Zealand

By email: consultation.freshwater@mfe.govt.nz

Dear Sir/Madam

Action for Healthy Waterways

Thank you for providing Thames Coromandel District Council (the Council) with the opportunity to comment on the 'Action for Healthy Waters' documents (the Action Plan). The Action Plan is made up of the:

1. Draft National Policy Statement for Freshwater Management;
2. Freshwater National Environmental Standard; and
3. Draft Stock Exclusion Section 360 Regulations.

Given the depth of the documents which make up this action plan, we have addressed our comments based on the sections outlined in the discussion document on national direction for our essential freshwater 'Action for Healthy Waterways'.

1 Overview – the health of our nations depends on the health of our freshwater

1.6 Questions

1. Do you think the proposals set out in this document will stop further degradation of New Zealand’s freshwater resources, with water quality materially improving within five years?

Section 1.4 identifies the need for significant change to occur. The advisory groups involved with the development of the action plan that:

- Significant change is required and rapidly.
- All New Zealanders – both urban and rural – have a responsibility for improving the nation’s freshwater ecosystems.
- Immediate steps need to be taken to stop further degradation of these ecosystems as well as towards improving ecosystem health.
• It is appropriate that Te Mana o te Wai is the overall framework for managing water resources as it something that resonates across all cultures.

• Where uncertainty exists, a precautionary approach needs to be applied and regulations should favour the protection of freshwater values.

The Council acknowledges and supports the goals identified by the advisory groups. These goals are admirable. They are all achievable. However, they require immediate action which will come at a cost. Smaller councils will struggle to afford the actions that have yet to be determined. There needs to be assistance for smaller councils to help them achieve the requirements that will be set in place though the action plan.

2. Do you think the proposals will bring New Zealand's freshwater resources, waterways and ecosystems to a healthy state within a generation?

The action plan talks about several timeframes. The most immediate timeframe is identified as materially improving water quality within five years. The immediacy of this timeframe will make it hard for smaller local authorities to set aside the required funds. The council is currently in the middle of its Long-Term Plan process. Depending on when the action plan comes into effect, there may not be an opportunity for provision to be made in the Long-Term Plan and Annual Plan.

The statutory requirement for Long Term Plans and Annual Plans lies outside of the Resource Management Act 1991. These plans are required under Part 6 of the Local Government Act 2002. In order to achieve the timeframes set in the action plan, there needs to be alignment between the two pieces of legislation. Local government is required to set out its financial spends in the plans required and the Local Government Act and may have difficulty in funding significant projects if they fall outside of these plans.

It is also important to note that local authorities are required to meet the provisions of their region’s regional policy statements and regional plans. This will add another layer of complexity for local authorities to deal with as they amend their district plans, policies and/or bylaws to give effect to the new regional direction set.

3. What difference do you think these proposals would make to your local waterways, and your contact with them?

The action plan will assist in improving and maintaining the water quality in the Thames Coromandel district. It is essential that safe drinking water can be supplied to the required standards. It is also very important that traditional kai gathering sites are not degraded and enhanced where possible.

4. What actions do you think you, your business, or your organisation would take in response to the proposed measures?

Council is very aware of the urgency attached to improving freshwater quality across the nation’s waterways. The need for education and having appropriate policies in place is very apparent and the council has started working on these. The current work programme is restricted as we will need to give effect to the regional provisions once
Waikato Regional Council has given effect to the action through its regional policy statement and regional plan and we are waiting to see what these will be.

5. **What support or information could the Government provide to help you, your business, or your organisation to implement the proposals?**

As outlined above, there will be a need for financial support from the Government in order to effectively implement the intent of the action plan. It would also be useful to have guidance from central government over what the most urgent tasks are as well as having a place to go to ask questions and receive guidance.

6. **Can you think of any unintended consequences from these policies that would get in the way of protection and/or restoration of ecosystem health?**

The policies on their own are good. It will be the cost of implementing the policies across all the levels of government which will have unintended consequences on the finances and resources of local government authorities.

7. **Do you think it would be a good idea to have an independent national body to provide oversight of freshwater management implementation, as recommended by KWM and FLG?**

For the action plan to work, it is imperative that there is an independent body whose sole purpose is to oversee the implementation of freshwater management. The difficulty will be employing people who have apparent or perceived bias to run and work for the organisation. The organisation will need to be able to give neutral and non-biased advice and not be influenced by the demand of the different sectors.

4. **Setting and clarifying policy direction**

4.7 **Questions**

The questions for section 4 are focused on different parts of the new policy direction that is being set under the action plan. Comments on these changes in policy direction are given below.

**Te Mana o te Wai**

9. **Do you support the Te Mana o te Wai hierarchy of obligations, that the first priority is the health of the water, the second priority is providing for essential human health needs, such as drinking water, and third is other consumption and use?**

The Council believes that the hierarchy of obligations set under the new national framework to understand water is appropriate and extremely relevant to achieving the goals of the action plan. It is not until the health of freshwater is put first, that significant improvements in its quality can occur.

With this hierarchy of obligations comes the issue of how to balance Te Mana o te Wai with the needs of water users. New Zealand is heavily dependent on agriculture and horticulture to support its economy, both nationally and internationally. The need to
achieve the right balance is essential and currently there is no guidance on how this is to be achieved.

11. *Is it clear what regional councils have to do to manage freshwater in a way consistent with Te Mana o te Wai?*

It is set out very clearly what is expected from regional councils in respect of managing Te Mana o te Wai. The short time frame (5 years) for developing plans that are consistent with this national framework and fully give effect to the new NPS for Freshwater Management.

12. *Will creating a long-term vision change how councils and communities manage freshwater and contribute to upholding Te Mana o te Wai?*

It is acceptable to have a long-term vision but guidance will need to be given on what this means for short term and medium-term goals that will be required to be met by local authorities. It is essential when working towards a long-term vision, that there are milestones to be met in the short and medium term. These allow progress to be measured and monitored and can highlight areas which need attention.

**New planning process for freshwater**

17. *Do you support the proposal for a faster freshwater planning process? Note that there will be opportunity to comment on this proposal in detail through the select committee process on the Resource Management Amendment Bill later this year.*

While recognising the urgency for nationally consistent water management, the short timeframe of 5 years for Councils to have new plans in place, consistent with Te Mana o te Wai, which fully give effect to the new NPS is ambitious. For district councils, the bulk of their work on new plans will occur after regional councils have finished creating plans which give effect to the new NPS. This does not appear to have been considered in the action plan.

There will be a need for guidance from government on how to achieve what is needed in the 5-year period specified. There may also be a need for government funding to assist local authorities in achieving the provisions of the new NPS.

**More integrated management of freshwater**

18. *Does the proposal make the roles and responsibilities between regional councils and territorial authorities sufficiently clear?*

A reading of the action plan as well as part 3.4 of the draft NPS, does highlight the roles of regional councils and local authorities. However, the wording used in Part 3.4, clause (4) is not written in a definite way. The draft clause reads:

(4) *In order to give effect to this National Policy Statement, local authorities that share jurisdiction over a catchment should co-operate in the integrated management of the effects on freshwater of land use and development.*
The implication from this clause is that where possible authorities should work together to achieve integrated management of land use and development on freshwater. Given that this already occurs to some extent, and regional councils have a different obligation under the Resource Management Act 1991 than territorial authorities, this requirement, as currently written, has the potential to create an unwarranted burden on territorial authorities.

The definition of the roles and responsibilities of regional councils and local authorities needs more consideration. The council is not against co-operation to achieve integrated management of the environment. The concern is with the additional cost/s that may result if how this is to occur is not set out.

5 Raising the bar on ecosystem health

5.13 Questions

Wetlands

25. Do you support the proposal to protect remaining wetlands? Why/why not?

Thames Coromandel District Council supports the proposal to protect remaining wetlands. However, research will need to be taken at the appropriate level to identify the wetlands that are significant and need protecting. Due to past land use and hazard management, not all wetlands are in their natural state and some have been so over modified that they may no longer be able to be restored.

Streams

27. Do you support the proposal to limit stream loss? Why/why not?

The Council supports the proposal to limit further stream loss. Waterways are important facets of the environment. In urban areas, waterways provide a connection to nature in an environment that is heavily modified through physical infrastructure such as roading, footpaths and buildings.

Higher standard for swimming

36. Do you agree with the recommended approach to improving water quality at swimming sites using action plans that can be targeted at specific sources of faecal contamination? Why/why not?

Swimming in waterways in waterways is part the national identity for New Zealanders. More and more of the nation’s waterways have become polluted. In many areas, it is no longer possible for people to go swimming in places where they swam as children due to pollution. The council supports the need to improve water quality for known swimming spots.
7 Better managing stormwater and wastewater

7.4 Questions

46. Does the proposed Wastewater NES address all the matters that are important when consenting discharges from wastewater networks? Will it lead to better environmental performance, improve and standardise practices, and provide greater certainty when consenting and investing?

The Council supports the intent of the proposed National Environmental Standard (NES) for Wastewater Discharges and Overflows which is to establish nationally consistent measures for wastewater. We look forward to commenting on the draft NES when it is released for consultation.

11 Aligning RMA national direction

11.3 Questions

79. Do you think there are potential areas of tension or confusion between the proposals in this document and other national direction? If so, how could these be addressed?

Care will need to be taken to ensure that all the national guidance documents are integrated and work in unison in which each other. The difficulty exists with the fact that national guidance documents are focused on one issue and/or resource and on enabling the protection of resources or allowing on-going activities to occur. There is tension existing already which will need to be resolved as more national guidance occurs.

If you have any further queries, please do not hesitate to contact me on Personal details removed

Chief Executive
Thames-Coromandel District Council

Email: Personal details removed