Future Proof Submission on

Action for healthy waterways: A discussion document on national direction for our essential freshwater

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To:
Freshwater, Ministry for the Environment
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Name of Submitter:
Future Proof Implementation Committee
c/- Bill Wasley: Independent Chair

Submission:
This is a submission by the Future Proof Implementation Committee on the Action for Healthy Waterways Discussion Document. Our submission has a particular focus on the Draft National Policy Statement on Freshwater Management ("Draft NPS-FM"). The content of the submission follows overleaf. We appreciate the opportunity to provide comments on the document.

Other Future Proof partners will also be making submissions on the Draft NPS-FM. These will be more detailed in nature than the Future Proof submission which provides a higher level, overarching view of the Draft NPS-FM.

Signed:

Bill Wasley
Independent Chair – Future Proof Implementation Committee
1. Introduction

This submission is presented on behalf of the Future Proof Implementation Committee ("FPIC"), the governance group responsible for implementation of the Future Proof Growth Strategy. The FPIC includes representatives from the Future Proof sub-regional councils of the Waikato Regional Council, Hamilton City Council, Waipa and Waikato Districts as well as Tāngata Whenua and the New Zealand Transport Agency.

As of August 2019, the FPIC also has expanded member for the Hamilton to Auckland Corridor. This membership includes two Ministers of the Crown, Auckland Council and Tāmaki Makaurau iwi representation from the Auckland Mana Whenua Kaitiaki Forum.

This submission is made on behalf of the original membership of the Future Proof Implementation Committee and does not necessarily represent the views of the ‘extended membership’.

The Future Proof Growth Strategy is a 30-year growth management and implementation plan for the Future Proof sub-region. The sub-region refers to the administrative areas of the territorial authorities of Hamilton City Council, Waipa District Council, and Waikato District. Future Proof has been in an implementation phase and a number of Strategy actions have been completed, including embedding the Strategy in relevant statutory documents. Future Proof has now entered a Strategy Update phase, the first stage of which was completed in 2017 and an updated Strategy has been adopted. The second phase will be completed in 2020 and will incorporate the outcomes of the Hamilton to Auckland Corridor work as well as various National Policy Statements.

The Future Proof Strategy has been successful in providing a strategic, integrated approach to long-term planning and growth management in the sub-region. There is good collaboration across the Future Proof partnership and the sub-region continues to work together on growth management issues. This includes collaborating on the Hamilton to Auckland Corridor initiative including the Hamilton-Waikato Metro Plan.
The Future Proof Implementation Committee is supportive of initiatives to improve freshwater. We recognise that urgent action is required and support the three objectives that the Government is aiming to achieve as outlined in the Discussion Document.

This submission focuses on the Draft NPS-FM.

2. **Summary of Main Submission Points**

Future Proof’s submission makes the following key points:

- General support for the Draft NPS-FM and it’s overarching objective and policies.
- Concerns about the way in which the hierarchy has been incorporated into the objective and places the health and well-being of waterbodies and freshwater ecosystems ahead of the essential health needs of people, and then the ability of people to provide for their economic and social wellbeing, instead of a more balanced approach like section 5 of the Resource Management Act 1991.
- Future Proof supports the proposal to strengthen and clarify the requirement to manage freshwater in a way that gives effect to Te Mana o te Wai.
- We generally support the 13 policies, but we do have some concerns around how these will be given effect to and implemented, for example how a sensitive receiving environment will be defined.
- We have some concerns that the proposals do not adequately balance urban development outcomes, including those contained in the NPS-UD, with freshwater management.
- There needs to be greater acknowledgement of regional differences and collaborative approaches that have already been undertaken to manage freshwater.
- We have some concerns around the capability and capacity of councils to effectively deliver the proposals within the timeframes agreed. We note that it will be a challenge for councils to have new freshwater planning processes in place by no later than 2025, especially if councils have already undertaken costly and resource intensive plan reviews or plan changes. National guidance and assistance will be required.
- We are of the view that there are some tensions and potential confusion between the various national policy instruments currently proposed.

3. **The Future Proof Strategy**

3.1 **Context**

The Future Proof sub-region is an area of rapid population and development growth. The Waikato region is the 4th largest in New Zealand and is part of the ‘golden triangle’ that is Auckland, Waikato and the Bay of Plenty. The golden triangle is expected to contain 53% of the nation’s population by 2031 and account for over half of New Zealand’s total economic activity.

The sub-region is a key part of the Hamilton to Auckland Corridor and the associated shared spatial intent. This work forms part of the Government’s Urban Growth Agenda. There are a number of important workstreams associated with the Hamilton to Auckland Corridor Plan, in particular the Hamilton-Waikato Metro Spatial Plan which will determine a shared 100 year vision and spatial framework for the emerging Hamilton-Waikato area, with a 30 year plan for priority development areas; regardless of administrative boundaries.

The Future Proof sub-region is the growth hub of the Waikato region. It is projected that the Future Proof sub-region will contain 89% of the entire Waikato region’s population growth out to 2031.\(^1\)

The Future Proof Strategy seeks to provide a consistent knowledge base and vision for its partner councils and other agencies in order to plan for, and sustainably manage growth in an integrated manner. Specifically, the Strategy provides a framework for co-operatively managing growth and setting goals for future implementation. This allows the costs and resources required to fund and manage infrastructure such as transport, water, wastewater, stormwater, as well as community and cultural facilities to be identified and provided for.

\(^1\) Demographic projections completed for Future Proof by the National Institute of Demographic and Economic Analysis (University of Waikato), 2015, using data from 2013-2031
3.2 **Strategy Principles**

The Future Proof Strategy contains several fundamental principles which apply in respect of the Strategy and its implementation. The ongoing application of these principles is key to effective implementation and is used in assessing and measuring proposals against the Strategy and any subsequent changes that are made to it.

The principles include:

- Having a diverse and vibrant metropolitan centre linked to thriving town and rural communities and to be the place of choice – live, work, play, invest and visit
- Protection of natural environments, landscapes and heritage and healthy Waikato river as heart of region’s identity
- Affordable and sustainable infrastructure
- Sustainable resource use
- Tāngata whenua principles
4. **The Draft National Policy Statement on Freshwater Management**

4.1 **General Comment**

Future Proof supports the Draft NPS-FM’s focus on the health and wellbeing of our freshwater. We support the Government’s three objectives that underpin the direction of the NPS-FM.

We note that it will be a challenge for councils to have new freshwater planning processes in place by no later than 2025. Especially if councils have already undertaken costly and resource intensive plan reviews or plan changes. National guidance and assistance will be required.

Future Proof supports the proposal to strengthen and clarify the requirement to manage freshwater in a way that gives effect to Te Mana o te Wai. We generally support the proposal to restructure and redraft the NPS-FM to improve clarity and reinforce a holistic approach to freshwater management. We also support strengthening the requirement to identify and reflect Māori values in freshwater planning.

Future Proof notes that in addition to this NPS, there are two others currently being consulted on. We are of the view that there are some tensions and potential confusion between the NPS-FM and other national direction. We think that the relevant policy statements need to be very clear about what they are wanting to achieve and what their bottom lines are. Otherwise there is likely to be costly litigation and uncertain outcomes. The Making Room for Growth proposals of the NPS-UD need to be scrutinised in terms of alignment with the NPS-FM and the NPS-HPL.

4.2 **Proposals**

**Proposal 1. Elevate the status of mahinga kai to a compulsory value**

Future Proof generally supports this proposal. This is in alignment with the Vision and Strategy for the Waikato River - Te Ture Whaimana o Te Awa o Waikato which is a key document for the Future Proof sub-region and already has the status of a National Policy Statement.
Proposal 2. Strengthen priority given to tāngata whenua freshwater values

Future Proof also supports this proposal and is of the view that this is a very important step in terms of how we manage freshwater into the future.

4.3 Objective and Policies

Future Proof supports the objective outlined in section 2.1. While we agree with the proposals’ intent of stopping degradation and improving freshwater quality, we do have some reservations about incorporating a prioritisation hierarchy into the objective, which places the health and well-being of waterbodies and freshwater ecosystems ahead of the essential health needs of people, and then the ability of people to provide for their economic and social wellbeing. It is unclear how the obligations of councils under the RMA and LGA to manage natural resources in a way and at a rate that enables people and communities to provide for their wellbeing will be resolved in practice.

We generally support the 13 policies, but we do have some concerns around how these will be given effect to and implemented.

Policy 3 refers to monitoring and action to reverse deteriorating trends. Regional Councils already have monitoring networks and have been monitoring waterways for many years now. In places, extensive monitoring records are available and numerous reports have been prepared on the state of our waterways. We understand that the Waikato Regional Council has estimated an additional investment in the order of seven full time equivalent staff and approximately $0.5M in annual laboratory and equipment costs will be required to monitor the NPS attributes. This does not include the resource required to monitor wetlands. Our view is that the focus of this policy needs to be on 'action' and how this will be implemented.

Policy 4 talks about the need for freshwater to be managed in a way that considers the effects of the use and development of land on a whole-of-catchments basis, including the effects on sensitive receiving environments. Sensitive receiving environments are referred to in this and other policies. It is unclear
whether all streams and wetlands are deemed to be sensitive. There will be a need to clearly define what a sensitive receiving environment is.

Policies 8 and 9 refer to no further loss or degradation of natural inland wetlands and no further net loss of streams. While we support the intent of these policies and agree that a stronger approach is required for wetlands, we are uncertain as to how this will work in practice. We are concerned about the implications this may have for urban development.

There is an urgent need to provide some practical examples of how the NPS-FM policies would be applied, for example to a larger scale urban development such as that proposed for Peacockes in Hamilton which is currently being consented. Some modification is inevitable to support urban growth and other essential activities that provide for the social, cultural and economic well-being of people and communities.

The definitions become key given the absolute protection provided in some of the policies. For example, when is a stream a freshwater resource to be protected and when is it a farm drain. The Resource Management Act 1991 definition of ‘River’ upon which the NPS-FM relies for its definitions of both rivers and streams includes a modified watercourse.

4.4 Approaches to Implementing Objectives and Policies

The Draft NPS-FM puts forward a range of specific requirements to prevent loss of wetlands and streams, provide for fish passage (including a work programme for remediation of existing structures), manage primary contact sites (particularly for swimming in summer), operate freshwater accounting systems, and undertake assessment and reporting.

The Draft NPS-FM also includes new obligations for territorial authorities to include provisions in district plans (at the next review of the plan) to address cumulative adverse effects of land use resulting from urban development on waterbodies and sensitive receiving environments.
We have some concerns that these proposals do not adequately balance the Government’s freshwater objectives with other outcomes being promoted by central government including those under the LGA and the NPS-UD.

Future Proof has some concerns around these proposals. A number of councils have already undertaken collaborative work on freshwater management. For example, Waikato Regional Council has notified and held hearings on Proposed Plan Change 1 to the Waikato Regional Plan which aims to improve water quality. Plan Change 1 has been through a substantial collaborative process.

It is important that these are not undermined by the new approach coming through in the Draft NPS-FM. In the experience of the Waikato region, taking the time to work collectively with the community and tāngata whenua was of significant benefit to the development of a robust plan change. The timeframes and requirements of the Draft NPS-FM may not allow for this type of approach. Also, the ‘one-size fits all’ approach of a number of the provisions do not always reflect the issues and priorities of a particular region.