30 October 2019

Ministry for the Environment
PO Box 10362
WELLINGTON 6143
Attention: Freshwater submissions
Via Email: consultation.freshwater@mfe.govt.nz

Tēnā koe

Gisborne District Council’s submission on the ‘Action for Healthy Waterways’ package

1. Thank you for providing the staff of Gisborne District Council the opportunity to submit on the Action for Healthy Waterways / Essential Freshwater package.

2. Our submission considers the following key proposals released by the Ministry:
   - the Draft National Policy Statement for Freshwater Management (draft NPS-FM);
   - the Proposed National Environmental Standards for Freshwater (proposed NES); and
   - the Draft Stock Exclusion Section 360 Regulations

Structure of our submission

3. This submission has three key parts:
   - **Part 1**: This letter, which discusses the ‘big picture’ concerns for staff of Gisborne District Council.
   - **Part 2**: Table one, an appendix to this letter, which contains a detailed review of the Draft National Policy Statement for Freshwater Management, with subsequent submission points and recommendations.
   - **Part 3**: Table two, a second appendix to this letter, which contains a detailed review of the Proposed National Environmental Standards for Freshwater, and the Draft Stock Exclusion 360 Regulations, with subsequent submission points and recommendations.

Key Points

4. We support central government’s objective to improve freshwater management in Aotearoa, to enable immediate improvements in water quality. The intent of the proposals are broadly consistent with our approach to the management of freshwater in Tairāwhiti / Gisborne.

5. However, we are not confident that the proposals adequately address freshwater management in the Tairāwhiti context, where the scale and complexity of issues like sedimentation and erosion are unique. Nor do they provide the support needed for the level of change posed. So, while we support the intent expressed across the proposal, we have noted significant issues:
   - the proposed policy package is not well integrated across its different parts;
   - the extent of work required of councils is impracticable within the proposed 2025 timeframe;

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c. wider implications of the package have not been fully considered by the Ministry; and
d. The proposed planning framework fails to effectively consider community well-being.

A: the proposed package is not well integrated across its different parts, or with existing legislation.

6. The definitions and rules of the Proposed National Environmental Standards for Freshwater (NES-FW) are inconsistent and unclear. For instance, each rule includes a broad description of the activity regulated by the rule (e.g. vegetation destruction, construction of a weir). But they don’t state which section of the Resource Management Act (RMA) 1991 they are authorised under. This is important for knowing the scope of the rules and activities authorised, and to avoid future debate around this issue. To address this, a description of the activity authorised could be included in the rule – with language consistent with s9 – s15 of the RMA.

7. The proposed NES-FW has not taken the same approach as the draft National Policy Statement for Freshwater Management (NPS-FM) with respect to Maori cultural and environmental issues. It fails to consider the effects on Māori cultural and environmental values. The NES-FW solely takes a western science approach- this is at odds with the draft NPS-FM, as well as the RMA.

B: the extent of work required is impracticable

8. Achieving the desired water quality improvements within five years is an ambitious target. While we agree with the intent to put more stringent frameworks in place for the management of freshwater, the proposal places significant expectations of land owners, councils, central government tangata whenua and communities to effect change. Its implementation will require a targeted, appropriate and effective approach.

9. While we support the draft NPS-FMs intent to develop methods and values that better support mātauranga Māori and mahinga kai, we urge the Ministry to recognize that this poses a significant amount of work for both tangata whenua and councils. We recommend the Ministry consider provision of support, and extend the timeline for implementation.

10. The 2025 implementation timeframe ignores that this is a slow and difficult process to collectively get right, and fails to recognize the longer-term planning and dynamic joint management environment present in Tairāwhiti (e.g. our MOU with Ministry for Primary Industries and Te Runanganui o Ngati Porou for the 100 year restoration of the Waiaupu Catchment).

11. In carrying out regional functions under the RMA, the machinery of local and central government and the affected parties (e.g. mana whenua, sector interests) need to ensure that their efforts are being best applied to the intended outcome. We suggest that the momentum provided by discussion over this past year will drive change, regardless of whether the proposals advance in their current form.

12. Council needs to continue to operate within a fiscal envelope that meets our needs over the next ten years while matching the community’s ability to pay costs- including those collected as part of rates and resource consents. Without external funding assistance, extension of timeframes and technical support the level of work posed in the package would extend rates and charges well beyond what our community could afford or find equitable, and what we committed to charging in our recent 2018-2028 Long Term Plan.
13. We recommend the collaborative development of a national implementation plan that includes practical and meaningful contributions from government to resolving capacity shortfalls and in providing other forms of assistance required to enable timeframes to be met.

14. This should consider that capacity constraints are unlikely to be solved by access to external resources as councils already use external scientific, planning, economics, cultural advisers, social science and legal advice, and the concurrent nature of processes across the country is likely to outstrip availability. These same experts are also in demand by submitters (plans and consents) and consent applicants.

15. We also recommend that the Ministry work with other central government agencies to design an integrated approach (particularly with the Ministry for Primary Industries). We suggest more time is needed to ensure that the proposals are workable, the best tools identified and that the timeframe for their implementation is extended.

C: Wider implications of the package have not been fully considered by the Ministry

16. We have not seen sufficient impact testing or assessment, or ground-truthing of the proposal from the Ministry. We have not seen an evidenced, robust s32 process. In its absence we are concerned that the Minister is not making the most informed decisions, does not understand the full implications of the proposal, and the Ministry is not following the same process it expects of local government1.

17. It is also important to note that Gisborne District Council has recently undertaken freshwater plan making through extensive community engagement and policy development processes. Communities, tangata whenua and industry stakeholders have invested heavily and in good faith in the development of our regional freshwater plan.

18. Making changes to these hard won plans to bring them to full compliance with the draft NPS-FM risks undermining the shared values and desired future outcomes as already collectively agreed for Tairāwhiti by its people, and does not seem to us a priority when looking to maximise our already limited capacity.

19. Parts of the proposal are highly prescriptive - removing our flexibility as a unitary authority to prioritise and focus limited capacity and resource on what matters most. Implementation of this:

- takes us away from the development of quality catchment plans as we would need to refocus on the development of the vision statement around long term aspirations for freshwater, despite progress already made in this area.
- discounts the effort already put in by participants many being mandated iwi, industry and community representatives, and the values we agreed should steer our districts framework for decision making where freshwater is concerned.
- is likely to be seen by the community as an inefficient use of ratepayer’s money- which has already funded a comprehensive freshwater plan that our community understand and have taken ownership of.

20. Wider consideration should include implications for:

- essential needs such as wastewater treatment and disposal from expanding/intensifying urban centers;

impacts on land productivity including owner utilisation of whenua Māori;
• economic implications for the horticulture and agricultural sectors; and
• the potential unintended consequence on land use change.

D: The proposed planning framework fails to effectively consider community well-being.

21. In principle, we support building on the Te Mana o te Wai framework. However we question the wisdom of establishing a policy framework that will constrain the community’s ability to provide for their economic and social needs and development, ahead of the availability of a mechanism to manage those risks and provide flexibility for other potential land uses.

22. In our role as an enabler of social, economic and environmental well-being, we question whether the implications for community well-being have been fully identified and understood and where identified if they have been fully and appropriately factored into the design of the proposals.

23. We strongly advise that the Ministry meaningfully engage iwi and communities in the design of the proposal, through its continued revision and amendment and planning for implementation. The input of our most affected can only strengthen the overarching kaupapa of healthy water.

24. For avoidance of doubt, staff of Gisborne District Council would like the opportunity to further submit or speak to this submission in the future.

25. For further clarification please contact Joanna Noble (Manager Strategic Planning) – Personal details removed

Nāku noa nā,

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