

REPORT

Item Number:

Open Meeting

To	Waikato District Council
From	TG Whittaker General Manager Strategy & Support
Date	23 March 2016
Prepared By	J Vernon Strategic Planning and Resource Management Team Leader
Chief Executive Approved	Y
DWS Document Set #	1491990
Report Title	'Next steps freshwater' – Council Submission

1. Executive Summary

On February 20 2016 the Hon Dr Nick Smith and Hon Nathan Guy released a further consultation document on freshwater management for New Zealand. Some of the suggested changes are being proposed to be included in the Resource management Amendment Bill. Submissions are due by 22 April.

2. Recommendation

THAT the report of the General Manager Strategy and Support– ('Next steps freshwater' – Council Submission) - be received;

AND THAT the Council submission on 'Next steps freshwater' be approved.

3. Background

This consultation document contains the next steps the Government proposes to improve the management of fresh water in New Zealand.

The key objectives are better environmental outcomes, enabling economic growth to support new jobs and exports, and improving Maaori involvement in freshwater decision-making.

There are four main topics, with a series of questions attached, where the Ministry for the Environment (MfE) is seeking feedback.

A summary of the key proposals are:

Fresh water and our environment	Amend the National Policy Statement for Freshwater Management to improve direction on: •exceptions to national bottom lines for
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	catchments with significant infrastructure •using the Macroinvertebrate Community Index as a mandatory monitoring method •applying water quality attributes to intermittently closing and opening lakes and lagoons •what it means to ‘maintain or improve overall water quality’ Exclude stock from water bodies through regulation.
Economic use of fresh water	Require more efficient use of fresh water and good management practice.
Iwi rights and interests in fresh water	Strengthen Te Mana o te Wai as the underpinning platform for community discussions on fresh water. Improve iwi/hapū participation in freshwater governance and management. Better integrate water conservation orders (WCOs) with regional water planning and allow for increased iwi participation and decision-making on WCOs.
Freshwater funding	Set up the ‘Next Steps for Freshwater Improvement Fund’ \$100 million over ten years to improve water quality.

4. Discussion and Analysis of Options

4.1 Discussion

Fresh water is critical to the wellbeing of our communities. It is important that local authorities take the opportunity to provide feedback to central government on any proposed changes because of our local knowledge and the possible impact changes may have on our operations and communities.

4.2 Options

- Option 1: do nothing
- Option 2: Write our own submission

The second option has been chosen due to the significance fresh water management has for our Council.

5. Considerations

5.1 Financial

Nil

5.2 Legal

At this stage the legal implications are unknown.

5.3 Strategy, Plans, Policy & Partnership Alignment

Council will be required to give effect to any consequential changes to the Resource Management Act 1991 or the National Policy Statement – Freshwater Management.

5.4 Assessment of Significance

6. Consultation

The following stakeholders have been/or will be consulted:

Planned	In Progress	Complete	
		√	Internal
			Community boards/Community committees
			Waikato-Tainui/Local iwi

			Households
			Business
			Other Please Specify

Comment (if any):

Council's water service delivery team and the Future Proof Water Policy committee have been involved in providing feedback to this submission.

MfE has been conducting extensive community meetings and hui around New Zealand on this document.

7. Conclusion

The purpose of this report is for Council to approve the submission on 'Next steps freshwater' consultation document to MfE by 22 April 2016.

8. Attachments

Attachment 1: Submission to 'Next steps fresh water' document

18 March 2016

Freshwater Consultation 2016

Ministry for the Environment

PO Box 10362

Wellington 6143

New Zealand

Waikato District Council

Private Bag 544

NGARUAWAHIA 3742

www.waide.govt.nz

Feedback to Freshwater Consultation 2016

This feedback is from the Waikato District Council (the Council) regarding the four topics that central government released on 20 February in the 'Next steps for fresh water' consultation document.

The Waikato District has 103.6 kilometres of the Waikato River and 33.6 kilometres of the Waipa River. In addition, two of Auckland's municipal dams in the Hunua Ranges and Auckland's freshwater intake at Tuakau are situated in our District. Waikato District covers the majority of the Waikato-Tainui and a small portion of the Maniapoto rohe, consequently freshwater management has a critical influence on the four well-beings of our local, regional and national community.

The Council commends central government on seeking feedback from all parts of the wider community on 'Next steps for fresh water'.

A. Freshwater and our environment

1. Yes we do support the proposal of water quality being maintained or improved within a freshwater management unit rather than within a region. Water should be treated as a 'whole' rather than being constrained by territorial boundaries. In turn, this should lead to a greater chance of achieving the desired environmental outcomes of maintenance and improvement through consistency of methods. This also follows the same holistic 'world view' of water that iwi believe in.
2. In our district we have the Vision and Strategy which is part of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, and the Nga Wai o Maniapoto (Waipa River) Act 2012. There are 13 specific objectives that help guide how the National Policy Statement – Freshwater Management (NPS-FM) attributes or values can be applied to maintain or improve overall water quality. This has been helpful in setting a direction to move forward and in working together on a shared vision.

3. An appropriate way may be to simplify the Macroinvertebrate Index (MCI) to make it easier for everyone to use, including the community or individual landowners. For example, picking up a rock out of a stream, turning it over and seeing what is there can be a quick and easy test. Other bio-indicators that could be included are: colour, smell, turbidity, conductivity, sediment and fish populations.
4. There should be a set of criteria established such as level of national, regional and local significance to enabling people and communities to provide for their social, economic and cultural well-being to determine their inclusion in Appendix 3. This information is important to ensure realistic bottom line objectives are set for individual freshwater management units (FMUs).

In the case of the Waikato River the influence of the eight hydro –electric dams and nine power stations cannot be ignored regarding the effort to maintain and improve water quality. Equally every territorial authority and industry intake and discharge to the Waikato and Waipa River can have positive and negative effects. These infrastructure services are vital to community well-being and need to be recognised in the NPS-FM.

5. We have no experience of such lagoons or lakes in our district and therefore cannot comment on this question.
6. First of all the term 'temporarily' will need to be defined to make the purpose of Appendix 4 meaningful and useful.
Second if it is to be used then the information required could include:
 - Evidence of current state of the water body re water quality and quantity
 - Evidence of maintenance and improvement milestones to be achieved
 - Evidence of a cost benefit analysis to show goals are achievable
 - Evidence of scale and significance of the issues to be tackled
 - Evidence of community and council commitment to the goals and affordability
 - Evidence of iwi involvement and agreement to goals
7. Our council can support the principle of excluding stock from freshwater bodies and the deadlines set but our concern is the cost of implementation and monitoring required for this objective to be achieved and to get national consistency. There is a percentage of public good involved in this so would there be an expectation that funding would come through general taxes or targeted rates set at a regional council level?

B. Economic use of water

8. Our council supports the principle of increasing the productivity of the way we use our natural resources and that 'first in, first served' under the Resource Management Act 1991 (RMA) can lead to inefficient use and lack of opportunity for higher value purposes. The only sensible method to achieve this goal is through national standards including good management practice (GMP) for non-point discharges. Their initial development could be through the Land and Water Forum (LAWF) but then put out for public consultation. The application to consents should also be discussed through

LAWF but give some flexibility to implementation. Therefore all three methods of consent expiry, limit setting and transfer could be used because the introduction of ‘one-size-fits-all’ method may prove to be impractical when tested across the whole of New Zealand.

9. Any method that encourages higher value use for our natural and physical resources has to be positive for the economy of our nation. The four changes proposed in 2.4 would give greater transparency and certainty to potential users of any opportunities that may exist to purchase a transfer. One more measure to introduce could be the introduction of common expiry dates for each FMU. These could be set through regional plans or the NPS-FM.
10. Before answering this question it would be important to know when or who will decide if the technical efficiency standards and GMP are insufficient to address over-allocation? Second, to address the issue of over-allocated freshwater management units is complex and one set of national standards/criteria may not be applied easily to all FMUs. Ideally, if transfers were easier and even water trading (similar to nitrogen trading in the Lake Taupo catchment) is introduced, some of the problems regarding over-allocated FMUs could be solved. The introduction of common expiry dates and the requirement for all water users to be metered, including urban households, may provide more ‘head room’ before additional water storage and infrastructure needs to be built.
11. In the first instance, monitoring, enforcement and management can be included in any resource consent granted under s36 of the RMA. Second, there is an element of public good in maintaining and improving water quality and quantity; therefore a percentage could be funded out of the general rate and the balance through a targeted rate if it is not covered by a resource consent condition. For example, this mixed model was used for the protection of Lake Taupo.
The funding of research benefits the wider community and as such should be funded by private and public entities.

c. Iwi rights and interests in freshwater

12. The first step would be, as suggested in the consultation document, to put some context around the meaning of Te Mana o te Wai. The statement in the document could be used as the definition and then provide some practical examples of the concept being applied such as the projects being undertaken and completed by the Waikato River Clean Up Trust.
13. Our Council is fortunate to have the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and the Nga Wai o Maniapoto (Waipa River) Act 2012 where there are clear expectations set out in the Act to enable iwi and hapuu values to be included when Council is working with our iwi partners. This is implemented through a signed Joint Management Agreement which covers the principles of Te mana o te awa, mana whakahaere, health and wellbeing, co-management and integration. The purpose is to provide for an enduring relationship between the parties through shared exercise of

functions, duties and powers under the Local Government Act 2002 and where appropriate the RMA1991.

There are eight schedules of engagement to achieve the purpose, principles and objectives of the agreement. The schedules cover:

- Monitoring and enforcement
- Resource consents
- Preparation, review or change of a RMA 1991 planning document
- Land management, acquisition and disposal
- Customary activities
- Management of sites of significance; and
- Staff awareness and training

14. There may be other methods around New Zealand but our Council has found having a Joint Management Agreement as mentioned above gives clarity and certainty of deliverables to iwi/hapuu and the Council.
15. As mentioned above our Council already has this mechanism through the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, and the Nga Wai o Maniapoto (Waipa River) Act 2012. To support other territorial authorities to work through such an agreement it would be helpful if there were some national guidelines, developed in conjunction with the Iwi Leaders Forum, where no rohe-based agreements currently exist.

Our Council would not support another layer being added if there already exists a working relationship process such as the one established through the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and the Nga Wai o Maniapoto (Waipa River) Act 2012.

16. As a district council we have very little to do with applications for water conservation orders but in principle we support the need for evidence in an application of the involvement of iwi/hapuu and support the idea of an iwi representative on the Special Tribunal convened to hear the application. This is a practice followed for resource consents and planning documents, where appropriate, in our district.
17. In our district we have 68 marae which are a mix of urban and rural marae and papakaainga. The urban marae and papakaainga are connected to municipal water reticulation services but there is definitely an issue regarding affordability for the rural, often remote, marae and papakaainga having access to clean, safe drinking water. If there was an opportunity to gain some assistance from central government, beyond that currently available through the Lottery Commission applications, then Council would support a separate, contestable fund, being established.

C. Freshwater funding

18. Council supports the idea of broadening the focus of the \$100 million over ten years to buy and retire selected areas of farmland next to important waterways to create an environmental buffer that helps improve water quality.

The experience of the Waikato River Authority and the Clean Up Trust would suggest that land retirement is not the only solution to improving water quality. For example, enhancement planting, assisting with fencing, alternative water supply through storage and trough installation, education on the promotion of GMP and helping with pest management costs such as koi carp removal are all positive tools to manage water quality and quantity.

Assistance with storm water treatment in urban areas prior to discharge to fresh water bodies would also be another positive investment. To ensure 'ownership' and extending the number of projects that can be funded, it is important that the recipients contribute financially, therefore Council supports the maximum limit of 50 per cent and a minimum of \$250,000.

The Waikato District Council appreciates the opportunity to provide feedback on this consultation document.