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Ministry for the Environment
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SUBMISSION FOR WATER NEW ZEALAND ON THE PROPOSED NATIONAL PLANNING STANDARDS

Introduction and overall remarks

1. Water New Zealand appreciates the opportunity to provide feedback on the government's proposed scope for the first set of national planning standards.
2. Water New Zealand is a not-for-profit organisation that promotes and represents water professionals and organisations. It is the country's largest water industry body, providing leadership and support in the water sector through advocacy, collaboration and technical support. We have approximately 1,800 members who are drawn from all areas of the water management industry including regional councils and territorial authorities, consultants, suppliers, government agencies and scientists.
3. We support the overall intent of the proposed standards. They have the potential to enable a more consistent approach across the three waters sector, which in turn would contribute to improved sector efficiency and performance.
4. Unfortunately the proposed scope for the first set of standards excludes most elements that would deliver these infrastructure benefits. While we recognise that some prioritisation is needed to deliver the first set of standards by 2019, excluding water related work outright would be a missed opportunity.
5. In June 2017, the Land and Water Forum (LAWF) provided the Ministers for the Environment and Primary Industries a commentary on implementation of the National Policy Statement on Freshwater Management (NPS-FM)¹. The commentary noted that implementation had been slow, patchy and unnecessarily inconsistent. LAWF recommended that more be done nationally to deliver efficiencies across the system. It was acknowledged that while central government was limited in its capacity, it could be working more collaboratively with stakeholders and corraling expertise more effectively to get the policy detail right to avoid implementation problems. The first set of national planning standards is an opportunity to address some of the identified challenges in NPS-FM implementation.

¹ Water New Zealand is a member of the Land and Water Forum (LAWF) Small Group. Implementation of the NPS-FM is currently underway and due to be completed by 2025.

6. Delaying water related work to subsequent phases of standard development could also cause undue disruption if freshwater chapters of regional plans have to be reviewed at a later date.

Water expert group

7. Water New Zealand understands that MfE intends to use expert groups during the next development phase of the standards. We suggest that a water expert group be used to identify:
 - i. How the national planning standards work can be aligned with NPS-FM implementation timeframes and needs.
 - ii. Whether some common content could be included in the proposed national direction section of regional policy statements to support NPS-FM implementation.
 - iii. How the planning standards could provide direction on regional plan construction to address identified inconsistencies in how the NPS-FM is currently being implemented.
 - iv. What water-related definitions and metrics are creating the most compliance costs because of their inconsistency and therefore would benefit from harmonisation in the first set of standards.

Points (ii) – (iv) are discussed further in the following sections.

8. There are numerous experts who have provided technical support to the freshwater reform process over the last several years. Provided members are carefully selected based on their experience and willingness to work collegially, they should be able to come up to speed and deliver advice relatively quickly. Water New Zealand would be happy to provide suggestions to MfE for membership of the group.

Prioritisation of definitions and metrics

9. The use of inconsistent definitions and metrics creates unnecessary costs for three waters consenting and compliance activity. Water New Zealand believes that most water-related definitions and metrics have been excluded from the first set of standards due to a flawed prioritisation process.
10. The prioritisation process assumed greater benefits could be gained by focussing on district plan definitions. Regional plan definitions were therefore excluded up front before the prioritisation criteria were applied². The reasoning provided was that there are more district plans than regional plans and the most resource consents processed each year were land use and subdivision consents.
11. Water New Zealand disagrees with this reasoning. Regional plans influence district plans and therefore consenting decisions at both levels. The number of consents processed is not, on its own, a good indicator for which types of definitions would deliver the greatest benefits from harmonisation. Similarly, the number of plans that include a

² Unless the definitions were common to both regional and district plans.

particular definition is also not a good proxy for which terms should be harmonised. It would be better to identify which plan definitions are creating the most compliance costs because of their inconsistency.

12. Water New Zealand strongly supports the use of the infrastructure criterion in the prioritisation process. But because regional plan definitions were mostly excluded up front, definitions relevant to three waters infrastructure were not captured.
13. Metrics were handled slightly differently to definitions. Criteria 1 assessed which metrics appeared in over 75% of regional and district plans. In a similar way to definitions, this has stacked the analysis in favour of district plan metrics because there are more district plans.
14. Water New Zealand wants to see the prioritisation process for definitions and metrics run again with separate criteria used for definitions and metrics that are highly used in regional plans. This should not be combined with the criteria concerning district plan definitions and metrics.

Specific definitions and metrics that should be harmonised

15. Water New Zealand strongly supports harmonising water take metrics and some discharge metrics (dissolved oxygen, nitrogen and phosphorus) in the first set of standards. In addition, every water take and discharge also has a flow rate measurement associated with it. The compliance requirements associated with flow rates can vary depending on factors such as:
 - how it is to be measured over time;
 - where and how often measurements should be taken; and
 - specifications for instrument accuracy.

We suggest that harmonising flow rate measurement approaches should be a priority for the first set of standards as it would deliver significant efficiency gains for consenting.

16. Harmonising these metrics would require bringing together relevant experts to do the work. Use of participants from the expert groups that have supported the development of the National Objectives Framework would be a good starting point.
17. To make best use of experts' time, Water New Zealand suggests that they could also be tasked with developing standards for the establishment of fit-for-purpose and cost effective compliance conditions for each of the metrics³, including monitoring. Inconsistent consent compliance requirements add significant costs and these could be reduced markedly by drawing on the work of experts such as Graeme McBride of NIWA. His work identifies efficient, transparent and standardised approaches for handling measurements over time in a statistical sense⁴. Developing standards for metric compliance would also support implementation of the new consent processing

³ For example, carbonaceous biochemical oxygen demand appears to be a reasonable parameter to measure dissolved oxygen in receiving waterbodies.

⁴ See

https://www.waternz.org.nz/Folder?Action=View%20File&Folder_id=155&File=graham_mcbribe.pdf

requirements under the Resource Legislation Amendment Act 2017 that will take effect in October 2017.

18. There would also be value in harmonising some definitions in the following areas:
- (a) Water body types – for example: ‘aquifers’, ‘groundwater’, ‘confining layer’, ‘surface water body’, ‘bed’, ‘ephemeral flow path’, ‘intermittently flowing stream/river’, ‘artificial watercourse’, and ‘drain’.
 - (b) Flows, abstractions and discharges – for example: ‘minimum flow’, ‘mean annual low flow’, ‘flushing flows’, ‘abstraction point’, ‘bore’, ‘allocation’, ‘net take’, ‘reasonable mixing zone’, and continuous versus intermittent discharges.
 - (c) Three waters infrastructure – for example: ‘dam structure’, ‘drinking water supplies’, ‘wastewater’, ‘greywater’, ‘biosolids’, ‘disposal area’, and ‘stormwater’.

As noted earlier, we think that the water expert group would be best placed to identify which specific definitions are creating the most compliance costs and should therefore be harmonised.

19. Standardising water take and discharge metrics could also potentially support implementation of water quantity and quality allocation policies that are under development.

Proposed national direction content

20. Water New Zealand supports the proposal to include a national direction section in regional policy statements. We disagree; however, that including references to guidance or other content should be excluded from the first set of standards. Some common objectives and policies should be developed to support consistent implementation of the NPS-FM. This could draw on the experience of councils who have already progressed implementation of the NPS-FM in their region so that other councils will not have to reinvent the wheel, especially those who are smaller and/or less well-resourced.

LAWF in its commentary on NPS-FM implementation identified that there is confusion and too much inconsistency in how freshwater objectives and the methods to achieve them (including limits) are laid out in regional plans. A clear “line of sight” between freshwater objectives and methods is important as it provides robust justification for any restrictions on resource use via rules and supports the case for adequate resourcing for the whole policy package. The first set of standards could easily provide direction on regional plan construction to address these issues. Water New Zealand recommends this work be done.

21. One reason for the patchy and inconsistent implementation of the NPS-FM, as well as inconsistent resource consenting practice, is the poor uptake and use of existing guidance. Water New Zealand considers that a water expert group could easily identify existing guidance documents that could be included in the first set of standards. This could include:

- MfE or other guidance⁵ that supports translating the NPS-FM into regional planning documents;
- Technical guidance to support on the ground implementation of the plan, such as:
 - The NZ Municipal Wastewater Monitoring Guidelines⁶.
 - Guidelines for the Safe Application of Biosolids to Land in NZ⁷.

Conclusion

22. Water New Zealand thanks the Ministry for the opportunity to make comments on these proposals and is happy to elaborate if required.

23. Water New Zealand would like to be informed about any water related expert groups that are established and have the opportunity to provide input.

John Pfahlert
Chief Executive

⁵ Such as: relevant quality planning material, or 'as 'Using Overseer in Regulation'.
(<https://www.overseer.org.nz/files/download/3575c5f091157fe>)

⁶ https://www.waternz.org.nz/Attachment?Action=Download&Attachment_id=125

⁷ https://www.waternz.org.nz/Folder?Action=View%20File&Folder_id=101&File=biosolids_guidelines.pdf