

31 July 2017

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SUBMISSION FOR WATER NEW ZEALAND ON THE PROPOSED NATIONAL PLANNING STANDARDS

Introduction

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.

Overall remarks

3. Water New Zealand supports the overall intent of the national planning 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. Unfortunately the proposed scope for the first set of standards excludes most elements that would deliver these infrastructure benefits.
4. We recognise that some prioritisation is needed to deliver the first set of standards by 2019. In our view, the prioritisation process has not focussed enough on identifying which differences cause the most implementation problems and therefore costs and addressing those first. In addition, not enough consideration has been given to how the first set of standards could support implementation of national direction that is occurring in parallel – for example, the NPS for Urban Development Capacity and the NPS on Freshwater Management (NPS-FM). There will also be some matters currently being investigated as part the government inquiry into Havelock North drinking water that could be anticipated and picked up in the first set of standards to ensure they are addressed in a timely way.

5. Doing this work would mean more effort up front, but it would deliver benefits that would not be realised to the same extent if the work was delayed to subsequent phases. It will be important to stagger subsequent phases at long enough periods to provide some stability for regional and local planning processes and manage the cost impact to councils and ratepayers. For this reason it is important to be strategic and thoughtful about what should be included in the first set of standards and resource the work adequately to deliver on identified priorities.
6. Involving stakeholders in a more open policy development process has been previously recommended by the Productivity Commission and LAWF as a way of addressing limited capacity within central government. Water New Zealand therefore supports the use of expert groups during the next phase and makes specific comments about this in [paragraphs 26-28](#).

Proposed national direction content

7. Water New Zealand supports the proposed national direction section to be included in regional policy statements that would provide a place for each council to set out the key regional/local issues arising under the direction and the main ways in which it gives effect to that direction.
8. We think the first set of standards could go further than this, however, by providing some common content for key areas of national direction, and making reference to existing guidance documents to improve uptake and use of these documents.

Improved management of drinking water

9. Some planning related matters arising out of the government inquiry into Havelock North drinking water should be included. For example; the first set of standards should include a requirement to identify 'source protection zones' as spatial layers concerning drinking water supply areas. This is not currently a requirement under the NES on Sources of Human Drinking Water. It is a good practice that is emerging as a way of managing the land use and environmental variables affecting the security of drinking water sources. There is varied use of this concept amongst councils and some do not specify such zones at all. Requiring these to be identified as spatial layers in plans would therefore support better management of contamination risks to drinking water. Development of technical guidance to support this could be developed in 4-6 months and should be referenced in the standards.
10. Water New Zealand is submitting on matters such as these to the Inquiry. We consider that the example above would be one of potentially several low hanging fruit that could be addressed. Tackling these issues in the first set of standards will ensure they are picked up in planning activity currently underway to implement the NPS-FM.

Implementation support for the NPS-FM

11. The standards are an opportunity to address some of the challenges identified by the Land and Water Forum (LAWF) in its commentary on implementation of the NPS-FM¹. For example, the standards could provide direction on how freshwater objectives and methods should be laid out

¹ The LAWF commentary on implementation of the NPS-FM was delivered to the Ministers for the Environment and Primary Industries in June 2017. Water New Zealand is a member of the LAWF Small Group.

in regional plans. LAWF noted that there is currently confusion and too much inconsistency in how freshwater objectives and the methods to achieve them (including limits) are laid out in regional plans.

12. Another related example would be harmonising key water-related definitions and metrics that are currently problematic at planning or consenting stage because of disagreements based around varying definitions or interpretations. Further comment on definitions and metrics is provided in [paragraphs 14-25](#).

Guidance in support of national direction

13. The discussion document notes that while references to guidance could be included, it is considered beyond the scope of the first set of standards. Water New Zealand considers that some existing guidance documents should be referenced in the first set of standards. There is a plethora of existing guidance but there is currently poor uptake and use of it. It is often dispersed in various locations. The first set of standards is an opportunity to reference:

- (a) Existing MfE guidance (or other relevant material²) that is about translating national direction into regional planning documents.
- (b) Relevant quality planning material.
- (c) Existing technical guidance to support on the ground implementation of the plan; such as:
 - The NZ Municipal Wastewater Monitoring Guidelines³.
 - Guidelines for the Safe Application of Biosolids to Land in NZ⁴.
 - Environmental Standard for drilling of soil and rock (NZ4411 which is relevant to the construction, testing and maintenance of bores).

Referencing this type of guidance would also support more consistent consenting practice.

Definitions and metrics

14. Water New Zealand supports the proposal to harmonise the 'network utilities' definitions. Overall, however, we believe the prioritisation process was flawed and has therefore excluded most water-related definitions and metrics from the first set of standards. Water New Zealand strongly supports harmonising some priority water-related definitions, as well as water take and discharge metrics in the first set of standards. The use of inconsistent definitions and metrics in these areas creates unnecessary costs for three waters consenting and compliance activity.

Prioritisation process

15. 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 applied⁵. The reasoning provided was that there are more district

² Such as 'Using Overseer in Regulation' (<https://www.overseer.org.nz/files/download/3575c5f091157fe>).

³ https://www.waternz.org.nz/Attachment?Action=Download&Attachment_id=125

⁴ https://www.waternz.org.nz/Folder?Action=View%20File&Folder_id=101&File=biosolids_guidelines.pdf

⁵ Unless the definitions were common to both regional and district plans.

plans than regional plans and the most resource consents processed each year were land use and subdivision consents.

16. 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 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.
17. Water New Zealand 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.
18. 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.
19. 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. We understand that this is consistent with feedback from other stakeholders and that MfE intend to relook at this area.

Metrics

20. Water New Zealand wants to see water take and discharge metrics worked on in the first set of standards. For discharges, priorities would be dissolved oxygen, nitrogen and phosphorus. We also consider that harmonising flow rate measurement approaches should be a priority for the first set of standards. Every water take and discharge 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.Harmonising flow rate measurements would therefore deliver significant efficiency gains for consenting.
21. Some level of spatial variation will need to be allowed for. For example, different nitrogen metrics are appropriate for different waterbody types and for different purposes. However, there would be substantial value in providing clear direction on what metrics should be used where for specific purposes. The work of the expert groups that have supported the development of the National Objectives Framework could be drawn upon.
22. Consent compliance requirements associated with the metric are typically even more problematic than the metric itself. If water take, discharge and flow rate metrics were to be harmonised, then it would make sense to develop associated standards for the establishment of

fit-for-purpose and cost effective compliance conditions for each of the metrics⁶. Graeme McBride of NIWA has already developed a base framework that could be built on⁷. His work identifies standardised approaches for handling measurements over time in a statistical sense that are also operationally efficient. The work could be done using the same experts as would be used to harmonise the metrics themselves.

23. Developing standards for metric compliance would support implementation of the new consent processing requirements under the Resource Legislation Amendment Act 2017 that will take effect in October 2017. Standardising water take and discharge metrics could also potentially support implementation of water quantity and quality allocation policies that are under development.

Definitions

24. We consider that there will be value in harmonising definitions related to some water body types, some definitions related to flows, abstractions, discharges, and some definitions specific to three waters infrastructure. Any priority setting exercise should involve practitioner input and should aim to identify which definitions have been most problematic in case law.

25. Definitions that should be considered include:

Water body types	'aquifers', 'groundwater' 'confining layer', 'surface water body', 'bed', 'ephemeral flow path', 'intermittently flowing stream/river', 'artificial watercourse', and 'drain'
Flows, abstractions and discharges	minimum flow', 'mean annual low flow', 'flushing flows', 'abstraction point', 'bore', 'allocation', 'net take', 'reasonable mixing zone', and continuous versus intermittent discharges
Three waters infrastructure	'dam structure', 'drinking water supplies', 'wastewater', 'greywater', 'biosolids', 'disposal area', and 'stormwater'

Water expert group

26. 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. The issues arising out of the Havelock North drinking water inquiry that should be addressed in the first set of standards
 - ii. How the national planning standards could support more consistent and efficient implementation of national direction currently being implemented.
 - iii. 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.
 - iv. What existing guidance material should be referenced in the first set of standards.

⁶ For example, carbonaceous biochemical oxygen demand appears to be a reasonable parameter to measure dissolved oxygen in receiving waterbodies.

⁷ See

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

27. 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.
28. A more open policy development process would also be consistent with previous LAWF and Productivity Commission recommendations. LAWF particularly noted that working more collaboratively with stakeholders and corraling expertise more effectively would help get the policy detail right and avoid implementation problems⁸.

Conclusion

29. Water New Zealand thanks the Ministry for the opportunity to make comments on these proposals and is happy to elaborate if required.
30. 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

⁸ LAWF Commentary on Implementation of the NPS-FM June 2017.