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**WATER NEW ZEALAND'S FEEDBACK ON *TRANSFORMING AOTEAROA NEW ZEALAND'S RESOURCE MANAGEMENT SYSTEM: OUR FUTURE RESOURCE MANAGEMENT SYSTEM - MATERIALS FOR DISCUSSION***

**INTRODUCTION AND OVERVIEW**

1. Water New Zealand ("Water NZ") appreciates the opportunity to provide feedback on Transforming Aotearoa New Zealand's resource management system: Our future resource management system - Materials for Discussion ("Discussion Document").
2. Water NZ is a national not-for-profit organisation which promotes the sustainable management and development of New Zealand's three waters (drinking water, wastewater and stormwater).
3. Water NZ is the country's largest water industry body, providing leadership and support in the water sector through advocacy, collaboration and professional development. Its 2,600 members are drawn from all areas of the water management industry including regional councils and territorial authorities, consultants, suppliers, government agencies, academia and scientists.
4. Water NZ has previously provided feedback and submissions on the RM reform programme of work.

**COMMENTS ON SPECIFIC QUESTIONS**

5. Water NZ wishes to make a number of comments on specific provisions in the discussion document.

**National Planning Framework**

- ***What role does the National Planning Framework (NPF) need to play to resolve conflicts that currently play out through consenting?***
6. In an ideal world any planning framework would provide such clarity that there is no confusion or conflict that plays out through consenting. Our current resource management system involves a very high level of public participation. This has been the case for over 30 years and winding this back would likely be difficult for many of our communities to accept. The recent examples around the Covid fast-tracking consenting process is evidence of this.
  7. The NPF needs to be extremely clear in terms of the provisions it contains; conflict arises when regulation is unclear and ambiguous. Such clarity should then ensure all parties involved in consenting are clear about the outcomes from the outset and expectations are appropriately managed.

- ***How would we promote efficiency in the Board of Inquiry process while still ensuring its transparency and robustness?***
- 8. Water NZ considers that a fast-track approach to the NPF development is not appropriate given the importance of the framework. However, we all have experience of current planning processes that are lengthy and resource intensive. The use of the technologies we are now all using on a daily basis due to the pandemic is essential to ensuring the Board of Inquiry process is efficient and cost effective.
- 9. Another key consideration in any hearing process is the quality of the people hearing the matter. This will be essential in the case of the NPF.
- 10. Consideration could also be given to having more than one Board of Inquiry so that the hearings into the NPF are done in a more timely manner. As the NPF is there to cover a multitude of different parts of the environmental system dividing it into these parts should be relatively easy to do. For example, the Board that hears the water section would not need to be the same Board that hears the air section. There are quite different skill sets required on the Board depending on what issues are being considered.
- ***How often should the NPF be reviewed, bearing in mind the relationships between the NPF, regional spatial strategies and Natural and Built Environments Acts plans?***
- 11. The problem with the current system is that we have a multitude of plans that are all developed out of sync with each other. Currently, plans are being reviewed in the freshwater space almost on a continual basis and this has created significant cost and uncertainty in relation to freshwater management.
- 12. Water NZ does not have a firm view on the timing but something similar to the status quo of every 10 years is likely to be necessary. Whatever time is chosen it needs to be aligned across the whole system. In addition, the order of what comes first – the NPF; then the regional spatial strategies; and then the local plans, is critical to avoid the lack of consistency that currently occurs.

## **Regional spatial strategies**

- ***To what degree should regional spatial strategies (RSSs) and implementation agreements drive resource management change and commit partners to deliver investment?***
- 13. RSSs should be very directive and very clear. A number of growth strategies that exist at the moment are often at too high a level to provide the certainty and clarity needed to ensure those investing in outcomes have the confidence that their investments are sound.
- ***How can appropriate local issues be included in RSSs?***
- 14. The RSSs should include those local issues that are important to the communities that the strategy relates to. As noted above they need to be directive, clear and detailed. While they are providing long-term objectives this cannot be relied on to be so high level as to be meaningless.

➤ ***With regional and unitary council boundaries proposed for RSSs, how should cross-boundary issues be addressed?***

15. Cross boundary issues occur now in those regions that have regional councils and multiple territorial authorities and between different regions. The RMA includes this as a matter to be considering in planning documents. The development of RSSs will be via joint committees which presumably will include representatives from across the region. Water NZ considers that the RSSs need to address cross boundary issues in the same manner that is provided for currently in the RMA.

## **NBA plans**

➤ ***Do you agree with the Randerson Panel's recommendation to have one combined Natural and Built Environments Act (NBA) plan per region?***

16. Yes, the current plethora of plans results in inefficiency and is costing our communities enormously.

➤ ***Would there be merit in enabling sub-regional NBA plans that would be incorporated into an NBA plan?***

17. There could be merit in enabling sub-regional NBA plans, though this would have to be determined on a case-by-case basis as not all regions are the same.

➤ ***What should the role of local authorities and their communities be to support local place-making and understanding of local issues in NBA plans?***

18. Local government has a crucial role in relation to local place-making and understanding of local issues. Water NZ would expect that local authorities would be part of both the development of the NBAs and the decision-making on those plans.

➤ ***Will the proposed plan-making process be more efficient and effectively deliver planning outcomes?***

19. The main benefit of the proposed change is to reduce the number of plans that currently exist and to provide national guidance/direction via the NPF. If this is done in the manner proposed and the timing is such that the plan development is in the correct order – NPF, RSS and NBA then it will be more certain and efficient.

## **RSS and NBA joint committees**

➤ ***How could a joint committee model balance effective representation with efficiency of processes and decision-making?***

20. As noted above it is Water NZ's view that local government representatives need to have a role on the joint committee and will also provide an important input in the whole process. Providing such a role should not have any impact on the efficiency of the processes and decision-making.

➤ ***How could a joint committee provide for local democratic input?***

21. As noted, a joint committee which includes local government representatives would provide important inputs, especially a local democratic input.

➤ ***How could a joint committee ensure adequate representation of all local authority views and interests if not all local authorities are directly represented?***

22. All local authorities would need to be directly represented in some manner on the joint committee.

➤ ***Are sufficient accountabilities included in the proposed new integrated regional approach to ensure the strategies and plans can be owned and implemented by local authorities?***

23. As noted above, there needs to be a significant role for all local authorities in the development of the strategies and plans. If such matters are imposed on local authorities, it is difficult to find a sense of ownership and there is no incentive to implement a strategy that a local authority does not agree with.

➤ ***How should joint committees be established?***

24. The committees need to be established by the regional councils with significant input from the territorial authorities. There needs to be a very clear steer in the legislation about what the committees are, who comprises them and how they are to operate.

## **Consenting**

➤ ***Will the proposed future system be more certain and efficient for plan users and those requiring consents?***

25. As noted for strategies and plans at 20 above, the main benefit of the proposed change is to reduce the number of plans that currently exist and to provide national guidance/direction via the NPF. If this is done in the manner proposed and the timing is such that the plan development is in the correct order – NPF, RSS and NBA then it will be more certain and efficient.

## **Compliance, monitoring and enforcement**

➤ ***Do you agree with the proposed changes to compliance, monitoring and enforcement provisions and tools?***

26. The level of detail provided makes it difficult for Water NZ to form a view. How much the costs are intended to change by is a critical matter to consider before any answer can be given. However, one suggestion which Water NZ wishes to highlight is the prohibition of insurance to cover prosecutions. It is difficult to see how this is a beneficial change.

➤ ***How practical will the proposals be to implement?***

27. Again, it is difficult to comment at this stage without further detail.

## Monitoring and system oversight

- ***Will these proposals lead to more effective monitoring and oversight of the system?***
- 28. It follows that allowing for better cost recovery of monitoring should ensure that we have better monitoring. For many local authorities they do not have the money to undertake good monitoring such that it is often unclear if regulations are actually doing what they are designed to do.
- ***Will the system be able to adequately respond and adapt to changing circumstances?***
- 29. Water NZ is not able to form a view in relation to this given the high level of information in the paper.

## Role of local government in the future system

- ***What does an effective relationship between local authorities and joint committees look like?***
- 30. As noted above, it is critical that local authorities be part of the joint committees. This appears to be what is proposed.
- ***What other roles might be required to make the future resource management system effective and efficient?***
- 31. It is difficult to highlight specific roles in the absence of further information on the practical details of the system. Water NZ therefore has no particular answer for this question other than to say that efficiency and effectiveness should always be strived for.
- ***What might be required to ensure the roles and responsibilities of local authorities can be effectively and efficiently delivered?***
- 32. The key factor here is resourcing. Many of the examples of poor planning and outcomes come down to poor resourcing. For the majority of cases an improvement in resourcing directly corresponds to an improvement in delivery.

## National Māori entity

- ***What functions should a national Māori entity have?***
- 33. Water NZ agrees with the role set out in the discussion document with regards to the NPF.
- ***What should the membership and appointments process be for the entity?***
- 34. Water NZ has no comments in relation to this but notes that there are many examples of such entities from other areas such as the water services reform which should be considered.

## Joint committee composition

➤ ***Should parties in a region be able to determine their committee composition?***

35. As noted above, the legislation needs to provide guidance and clarity around joint committees including the role of Māori but the parties in a region must be able to determine their committee composition.

➤ ***What should be the selection and appointments processes for joint committee members?***

36. As noted above, there are a number of examples of these processes from other areas and in the RMA now.

➤ ***Are sub-committees needed to meet regional needs including Treaty settlements?***

37. Water NZ does not have a view on this.

➤ ***How do we best provide for existing arrangements (eg, Treaty settlement or other resource management arrangements)?***

38. Water NZ does not have a view on this.

## Enhanced Mana Whakahono ā Rohe arrangement, integrated with transfers of powers and joint management agreements

➤ ***How could an enhanced Mana Whakahono ā Rohe process be enabled that is integrated with transfers of powers and joint management agreements?***

39. Water NZ does not have a view on this.

➤ ***What should be covered in the scope of an enhanced Mana Whakahono ā Rohe and what should be mandatory matters?***

40. Water NZ does not have a view on this.

➤ ***What are the barriers that need to be removed, or incentives added, to better enable transfers of powers and joint management agreements?***

41. Water NZ does not have a view on this.

## Funding in the future system

➤ ***How should funding be distributed across taxpayers, ratepayers and individuals?***

42. The new system will need to be appropriately funded in order to be successful. There is clearly national, regional and individual benefits, each of which need to be apportioned appropriately. To date there has been limited funding from taxpayers in the planning system.

➤ ***How should Māori participation be supported at different levels of the system?***

43. Water NZ does not have a view on this.

**CONCLUSION**

44. Water NZ thanks the Ministry for the opportunity to provide comments on the Discussion Document.

Ngā mihi nui



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