



9 December 2019

Hon David Parker
Minister for the Environment
Parliament Buildings
Wellington

By email

Dear Minister

Proposed National Policy Statement and National Environmental Standards for Freshwater Management

The high growth areas of Auckland, Hamilton, Tauranga and Queenstown support in principle the proposed changes to the National Policy Statement and National Environmental Standards for Freshwater Management. We strongly agree that local government has a shared responsibility with all New Zealanders to ensure the health of our freshwater and to protect and restore our waterways. Further, we agree that the current framework for managing freshwater is lacking and a more holistic approach to freshwater management is needed to stop further degradation and to reverse past damage of our freshwater resources.

We have all made submissions on these proposals but the importance of these proposals on our collective ability to manage New Zealand's urban growth challenges necessitates us to bring some issues to your direct attention.

We note and appreciate that attempts have been made to align the freshwater proposals with the Government's urban development proposals. In MfE's discussion document for the NPS-UD it states:

- *Protecting urban freshwater ecosystems and providing for urban development requires local authorities to balance competing priorities;*
- *This is an inherent part of environmental management, and will need to be managed by local authorities at a local level;*
- *National policy statements should be aligned to give clarity on how to balance these matters in urban planning. To do this:*
 - *Local authorities can identify areas not appropriate for urban development (due to freshwater values);*

- *NPS-FW & NES-FW are intended to recognise importance of urban streams and encourage urban design to protect them, while also recognising piping and reclamation may be unavoidable when providing for urban growth;*
- *Direction in the NPS-FW intended to ensure decisions about freshwater in urban environments can be made in an integrated way as part of wider decisions about urban form.*

We support approach set out above, as providing for urban growth requires the balancing of multiple priorities and tensions between various competing issues and viewpoints. However, in our view the above intent has not been fully delivered through the drafting of the NPS & NES-FM. While these National Directions are heading in the right direction, as currently drafted, they are not fully enabling good urban stormwater management, and in places are a 'barrier' to it or are potentially unworkable. These issues are set out in our submissions and in particular detail within the case studies Tauranga City Council has undertaken in two growth areas currently being planned in partnership with multiple government agencies.

We support the proposed effects management hierarchy proposed in relation to streams and wetlands and the concepts of no "net loss" with the potential of achieving a net gain, where practicable. However, the proposals are not well drafted to enable implementation of the effect management hierarchy, and in places very directive and unqualified language is used such as "avoid" and 'protect' in relation to streams and wetlands. Due to recent Environment Court case law this type of approach significantly limits the ability of councils to exercise broad planning judgement to balance competing issues through the plan-making process. While potentially well intended, this type of wording in a document that councils have a statutory requirement to give effect to can be problematic and lead to outcomes that may not have been foreseen or intended.

To address the issues raised in this letter we would like to offer to work collaboratively with your officials and the Independent Advisory Panel to identify ways in which the proposals could be improved in an urban context and in a way better aligned with the proposed NPS-UD and the Government's ambitious and forward-looking Urban Growth Agenda.

We anticipate that substantial changes may be required to the drafting of these proposals, and if so, we would urge that consideration is given to whether a further targeted round of public engagement is required before final decisions are made.

In summary we firmly believe these proposals are on the right track but have some substantial shortcomings. These shortcomings can readily be addressed whilst still delivering the objectives of the freshwater reforms and urban development aspirations. We look forward to your response. Our first point of contact on these matters is Claudia Hellberg at claudia.hellberg@tauranga.govt.nz.

Yours sincerely



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Council



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Chief Executive
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cc: Associate Minister for the Environment & Local Government, Hon Nanaia Mahuta
Associate Minister for the Environment, Hon Eugenie Sage
Secretary for the Environment and Chief Executive, Vicky Robertson