

Freshwater Reforms Confirmed

On 10 July Environment Minister Amy Adams and Minister for Primary Industries Nathan Guy announced the Government's action plan for reforming freshwater management.

This builds on submissions made in relation to the initial consultation document – *Freshwater reform 2013 and beyond*, released on 9 March, which outlined short and medium-term reforms in:

- Water planning as a community
- Setting of freshwater objectives through a National Objectives Framework ("NOF")
- Setting of freshwater limits – managing within quantity and quality limits

Cabinet has now confirmed approval for amending the Resource Management Act 1991 ("RMA") to include:

- A collaborative freshwater planning option
- A statutory requirement to involve iwi/hapu in plan development
- Provisions enabling water accounting and a NOF to be progressed

Collaborative freshwater planning will sit alongside the standard planning option for councils in Schedule 1 of the RMA. The collaborative option, if invoked, is intended to promote consensus decision-making through the first instance hearing. Appeals will be limited to a re-hearing where the council's decision is inconsistent with the consensus of the collaborative group. In other words, there will be a very limited opportunity to appeal on the merits to the Environment Court in these circumstances. Appeals to the Environment Court and High Court on points of law will remain available.

Whichever option councils choose, they will have a statutory mandate to involve iwi/hapu in freshwater planning at the plan development stage.

The amendments will also create a NOF that is intended to provide consistency in terms of the water quality limits imposed on water and discharge permits. Work is underway to establish these limits. The NOF development process will include detailed scientific work and consultation before a final decision is made on what the framework will contain.

Cabinet also agreed not to progress plans to review Water Conservation Orders until after a review that is scheduled to begin in 2016.

Further changes to freshwater management will be introduced incrementally. Proposals for stage one of the freshwater reform will be introduced as a Bill to amend the RMA later this year.

If you have an interest in the freshwater reforms please contact our specialist resource management team. Further information is also available via the following links:

<http://www.mfe.govt.nz/issues/water/freshwater/freshwater-reform-2013/index.html>
<http://www.fwplus.co.nz/article/speech-amy-adams-freshwater-reforms?p=8>