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Freshwater Submissions
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SURVEY AND SPATIAL NEW ZEALAND SUBMISSION ON ACTION FOR HEALTHY WATERWAYS

Who are we?

- 1 Survey and Spatial New Zealand (S+SNZ, the trading name of the New Zealand Institute of Surveyors) represents surveyors and spatial professionals. We are a stakeholder across a wide range of government policy areas and the sector including housing development, land subdivision, construction, infrastructure, spatial information and resource management. Our members are involved in each stage of rural and urban development and infrastructure projects. They are the lead professionals enabling connections between the earth sciences, engineering and applied geography.

What are our key points on the Discussion Document?

- 2 Our submission is high level and brief. It focuses on two aspects:
 - specific responses questions that relate to smaller and larger bodies and setbacks to which our members can bring their particular measurement expertise and practice experience; and
 - the inter-relationship between this document and existing or recently proposed National Policy Statements.

Question 66: Do you have any comment on the proposed different approach for larger and smaller water bodies?

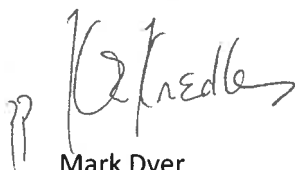
- 3 Rivers greater than 3 metres wide and lakes over 8 hectares already have existing protections under the Conservation Act 1987 and the Resource Management Act 1991 (upon subdivision). Any new policy would need to be consistent with this legislation in the absence of explicit proposals to amend the legislation.

Question 67: Do you have any comment on the proposed five metre setback, or where it should be measured from?

- 4 For consistency with both the Cadastral Survey Act 2002 and the Resource Management Act 1991, any setback should be from the position that would be the natural boundary. This would provide a position that would be both practical and observable. As there are currently interpretation issues with various Councils on the meaning of the word 'bank', perhaps it would be prudent to also provide a clear definition. For example, the setback should be measured from the top of the river bank, where bank can be defined as a raised border of a water feature that constrains the river's fullest non-flood flow.¹

Inter-relationship between various planning documents

- 5 "Action for Healthy Waterways is but one part of a broader plan to build a productive, sustainable and inclusive economy that supports the wellbeing of all New Zealanders."
- 6 There are now a number of other instruments, such as National Policy Statements and Environmental Standards, that also contribute to that plan and ought to fit within a wider framework of complementary environmental management instruments. It is critical that there be such a framework, that it be well-integrated and that it incorporates transparent processes for making trade-offs.
- 7 With the increasing number of instruments covering different facets of environmental management and protection, those working with such instruments (including landowners, professional advisors, consultants as well as decision-makers) will need to consider interactions between them. For example, between those proposed for urban development and valuing highly productive land, or between those on highly productive land and freshwater management etc. This will inevitably involve trade-offs. These are expected to increase in number and complexity as the number and type of instruments increase.
- 8 It is critically important, therefore, that a uniform trade-off process or clear weighting between various instruments be developed if we are to achieve integrated management of natural and physical resources. The process must be applied uniformly by decision-makers and be efficient, robust and transparent. Otherwise, progress to achieving the "broader plan" is likely to be delayed through litigation between vested interests each operating in a siloed manner and relying on a particular instrument without regard to context and other instruments that give rise to potentially conflicting results.



Mark Dyer
Chief Executive

¹ See definition of "bed" in the Resource Management Act 1991 and *Canterbury Regional Council v Dewhirst Land Co Ltd* [2019] NZCA 486.