

**Civil Contractors New Zealand submission to Ministry for the Environment on
“Package 3: Freshwater”**

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Introduction

Civil Contractors New Zealand (CCNZ) the industry association for horizontal construction in New Zealand. We represent more than 800 member businesses and organisations involved in horizontal infrastructure construction, including more than 550 large, medium-sized, and small businesses in civil engineering, construction, and general contracting. Our 300 associate members provide valuable products, support, and services to contractor members. We live and work in all communities across New Zealand.

Our members play a vital role in the development of our country, our economy, and our way of life. They are responsible for the physical construction and maintenance of NZ’s transport networks, water networks that bring fresh water to houses and wastewater to treatment plants, cables that bring the internet to homes and businesses, ports, airports and private developments.

These are the services a modern and developed economy must have to compete efficiently in world markets and to deliver high living standards and wellbeing for all New Zealanders. Because of the breadth of work environments, civil contractors have an extensive understanding of how the environment is protected in practical terms. They work to construct wetlands as part of projects, as well as maintaining riverbanks, parks and great walks.

In short, resource management is relevant to civil contractors because the construction and maintenance of infrastructure is a use of land and the environment.

CCNZ acknowledges the widely held view that the Resource Management Act 1991 (RMA) system as it stands is broken. It is litigious, expensive, and time consuming, for both resource consenting and planning.

It has created significant cost, both for those seeking consent for development and those seeking environmental protection, because it lacks effective mechanisms for conflict resolution, often leading to a costly stalemate where development is sought.

The Resource Management (Consenting and Other System Changes) Amendment Bill ([the Bill](#)) is the second bill in the Government's RMA reform programme.

CCNZ submits on this Bill in keeping with our overall approach to RMA reform. Our guiding principles are (as stated in a previous [CCNZ submission on RMA reform](#)):

- Consenting pathways that enable the construction, operation and maintenance of infrastructure and the built environment, for both large and small projects
- Efficient and effective and affordable consenting, planning and other regulatory processes, also to avoid unnecessary delays in regulatory processes
- The above to apply to civil construction at all scales, from small earthworks to multi-firm construction alliances for nationally significant projects
- Ability to manage trade-offs or conflicts between RM reform objectives, eg between protection of, and the use and development of the natural and built environment
- Effective mechanisms to balance the environmental cost of development against the benefits infrastructure delivers for our society
- Access to raw materials that support the infrastructure supply chain and enable infrastructure construction, such as aggregate, steel and concrete, and efficient repurposing of construction and demolition waste, whether through recycling or through identified sites for 'enabling infrastructure' - eg quarries, 'circular economy' materials recovery sites, or cleanfills
- Upholding of property rights, including for existing infrastructure and buildings

INTRODUCTION TO THIS SUBMISSION

The government's proposals for reforming national direction under the Resource Management Act 1991 are divided into 4 Packages:

Package 1 – infrastructure

Package 2 – primary production (including quarrying and mining)

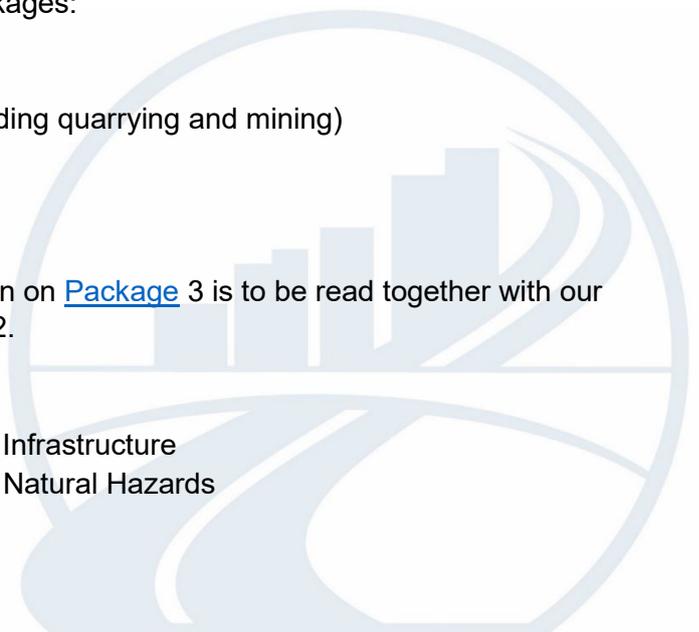
Package 3 – freshwater

Package 4 – housing growth

The Civil Contractors New Zealand submission on [Package 3](#) is to be read together with our submissions on Package 1, and on Package 2.

Scope for this submission:

- New National Policy Statement for Infrastructure
- New National Policy Statement for Natural Hazards



- Proposed national direction on electricity networks, granny flats, and papakāinga are out of scope.

Executive summary for this submission:

- We applaud this suite of changes to national direction proposed by the Government to improve infrastructure planning and delivery, enable streamlined development while protecting the environment, and unlock growth in the primary sector.
- We support direction to decision-makers to recognise and enable the importance of infrastructure supporting activities, such as quarrying, to the timely completion of infrastructure projects.
- We support the submission made by the Aggregate and Quarry Association (AQA).

Additional note on workability of national policy statements

- Existing National Policy Statements and National Environmental Standards have often increased complexity, sometimes to an unworkable level. This increased complexity makes difficult for contractors charged with practical works to share their knowledge and expertise with policymakers, and decision making is increasingly solely the realm of policy writers, and less informed practical experience.
- Existing National Policy Statements do not have a clear order of precedence and often conflict with each other.
- We question whether adding new national policy instruments to the existing suite is wise, when the existing national policy statements have created significant confusion and caused sometimes intractable issues in their application, in particular the NPS-Freshwater.
- We consider that despite the above points, there is merit in the proposals within the NPS-Infrastructure.

CCNZ supports the government's proposals, in principle. The remainder of this submission comprises our answers to questions in the discussion document.

INTRODUCTION TO THIS SUBMISSION

Freshwater is a major environmental regard for civil contractors and their clients, and is addressed under the Resource Management Act 1991 in a variety of ways, including:

- Discharges to freshwater from earthworks and other contracting activities
- Effects on groundwater, and on waterbodies such as natural inland wetlands
- Diversion of waterways (related to the above)
- Discharges to waterways from the operation of assets (e.g. stormwater)

We welcome the opportunity to submit on [Package 3: Freshwater](#) , and note this complements the CCNZ submission on Package 1: Infrastructure.

CCNZ supports in principle the government's intent for amending the National Policy Statement for Freshwater Management (2020).

ANSWERS TO QUESTIONS

Q1: What resource management changes should be made in the current system under the RMA (to have immediate impact now) or in the future system (to have impact longer term)? From the topics in this discussion document, which elements should lead to changes in the current system or the future system, and why?

As mentioned in our submission on Package 1, CCNZ is concerned at the growing number of national policy statements and other national direction in the RMA system. The proliferation of National Policy Statements is sometimes adding to confusion and complexity, rather than providing clarity and streamlining efficient delivery.

In addition, there is also a problem of “which instrument trumps which”, in cases where policy statements overlap.

It seems that the New Zealand Coastal Policy Statement takes precedence over the NPS-FM, (based on case law). However, what about other instruments? Sometimes there are conflicts between these. Clarity would improve efficiency and reduce complexity.

Given the flavour of the proposed NPS for Infrastructure, we would welcome the NPS-I taking precedence over the NPS-FM, and over other NPSs.

Q2: Would a rebalanced objective on freshwater management give councils more flexibility to provide for various outcomes that are important to the community? How can the NPS-FM ensure freshwater management objectives match community aspirations?

CCNZ considers that flexibility is important to the whole issue of catchment management, or freshwater management. There is no one-size-fits-all, or silver bullet to fixing problems.

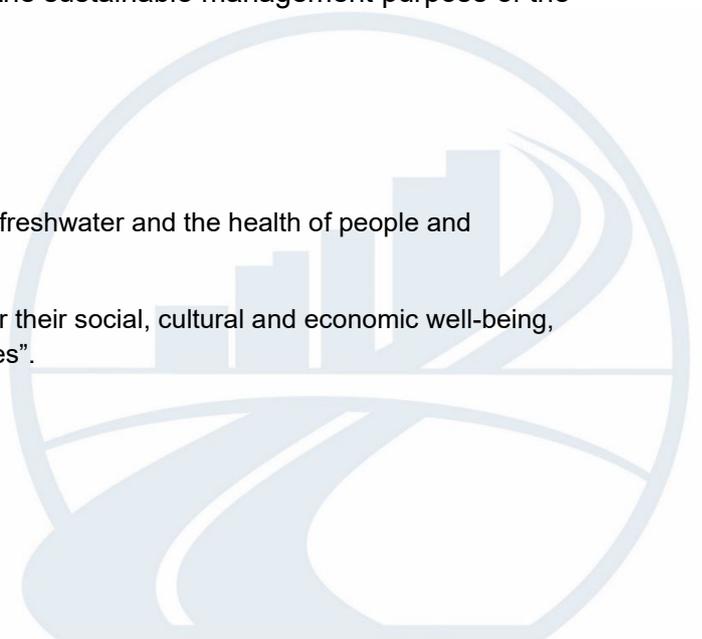
Integrated management, sometimes referred to as “ki uta ki tai”, has been a useful lens through which to manage freshwater to meet the sustainable management purpose of the Resource Management Act 1991.

The new objective is:

“that will direct councils to:

- safeguard the life-supporting capacity of freshwater and the health of people and communities
- while enabling communities to provide for their social, cultural and economic well-being, including productive economic opportunities”.

That is consistent with s5, RMA.



Q3: What do you think would be useful in clarifying the timeframes for achieving freshwater outcomes?

Focus on meeting regional resource needs in a reasonable timeframe.

Q4: Should there be more emphasis on considering the costs involved, when determining what freshwater outcomes councils and communities want to set? Do you have any examples of costs associated with achieving community aspirations for freshwater?

Yes, namely:

- Gravel extraction from rivers provides economic benefit, and reduces flood risk, but is often prevented as its environmental impacts require complex management
- In 2023, Greater Wellington Regional Council made changes related to the NES-Freshwater, proposing an arbitrary four-month shutdown of winter earthworks to control sediment. This has been disastrous, in some instances leading to annual \$500,000 site shutdown costs to manage sediment (construction of bunds etc) that are not part of the critical path of the project. Earthmoving companies have had to lay off significant amounts of staff as a result of being prevented from being on site for four months of the year.
- Our members are happy to provide further examples on request.

Q5: What will a change in NPS-FM objectives mean for your region and regional plan process?

CCNZ sees more flexibility in local authorities being able to manage catchments, and grant resource consents for activities, while also managing freshwater quantity and quality.

Q6: Do you think that Te Mana o te Wai should sit within the NPS-FM's objectives, separate from the NPS FM's objectives, or outside the NPS-FM altogether – and why?

From its inception, te mana o te wai has always raised a risk of court action to determine what it means in practice. It contradicts the useful idea of ki uta ki tai, or integrated catchment management.

If it is judged too late to rescind te mana o te wai, we suggest it should sit apart from the NPS-FM's objectives, and take on the role of a principle for, or an approach to freshwater management.

Q7: How will the proposed rebalancing of Te Mana o te Wai affect the variability with which it has been interpreted to date? Will it ensure consistent implementation?

CCNZ asks if the government has consulted with iwi Māori on whether it would be acceptable to them to redefine te mana o te wai.

Q22: What should a farming activities pathway include? Is a farming activities pathway likely to be more efficient and/or effective at enabling activities in and around wetlands?

CCNZ strongly supports:

“removing the pasture exclusion from the definition of a ‘natural inland wetland’ and instead permitting farming activities that can occur in and around wetlands”.

It is noted this is also important for:

- siting class 5 and other facilities for repurposing or managing surplus soil from earthworks, and

quarrying activities on farmland, which are an important source of aggregates for use in civil construction across New Zealand.

CONCLUSION

Thank you for your time in reading this submission.

CCNZ is happy to further discuss these reform packages.

Several of our members have advised us of the issues their businesses have faced due to the existing legislation, and what they think would be required to overcome these issues. We can arrange for them to present also, if you would like to hear their concerns directly.

Yours sincerely,



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