



Ministry for the  
**Environment**  
*Manatū Mō Te Taiao*

# **Implementation of National Freshwater Policies and Regulations review – council feedback**

**Regional council comments on Beca Limited report**

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## Purpose of report

All regional and unitary councils were given the opportunity to provide feedback on BECA's Implementation of National Freshwater Policies and Regulations review.

Councils emphasise the report assesses the extent to which each regional and unitary council has given effect to the NPSFM 2014 (as amended 2017) and consistency with the requirements of the draft essential freshwater national instruments (as notified 2019), rather than the final instruments that were gazetted in 2020. There were some substantial revisions in the gazetted version and all Councils are in the process of changing their approach in response to the 2020 NPS-FM.

A number of councils are satisfied the report is a fair assessment of the extent their plans gave effect to these instruments but others have provided specific corrections which are outlined below.

## Acronyms

FMU	Freshwater Management Unit
LTP	Long Term Plan
NES	National Environmental Standards for Freshwater
NOF	National Objectives Framework
NPS-FM 2020	National Policy Statement for Freshwater Management 2020
PIP	Progressive Improvement Plan
RMA	Resource Management Act 1991
RPS	Regional policy statement
SOE	State of the environment

# Northland Regional Council

## Report

Seems a reasonable snapshot of progress to date - but a far different landscape now that [National Policy Statement for Freshwater Management 2020] (NPS-FM 2020) is now in effect (and information from [Progressive Improvement Plans] (PIPs) is out of date).

Couple of minor points:

Table 6 – PRPN [Proposed Regional Plan for Northland] also includes policy on significant biodiversity which refers to threatened species (Policy D.2.1.8)

Table 9 – PRPN includes policy on wetlands (D.4.22 and D.4.23 albeit does not fully give effect to NPS-FM 2020)

## Spreadsheet

Much of the spreadsheet is out of date and references the previous NPS-FM as amended 2017 - not sure what value this provides.

Also query the reference to [National Environmental Standards for Freshwater (NES Freshwater) provisions (E.g. rows 1052 – 1057) – not sure why these cells are red? I.e. this is isn't necessarily a 'gap' - we don't need to add rules into the Regional Plan for these activities – instead we can just add advice notes to the effect that the NES applies. May be better value to record whether the council has amended their plan(s) to remove provisions that duplicate or are more lenient in relation to the same activity than the NES?

Row 986 and Row 1006 (water quality [Freshwater Management Unit] (FMU)): needs correction as the PRPN has only included water quality management units for coastal waters – water quality FMU's for freshwater will be identified in a future plan change to be progressed prior to 31 December 2024.

Row 992 – add that NRC [Northland Regional Council] has mapped outstanding freshwater bodies in the PRPN

Row 1027 – PRPN includes policy on threatened species (D.4.2.16 and D.2.18 and D.4.24- freshwater fish)

# Auckland Council

## Report

The report is largely correct, although it doesn't reflect where we're going with the programme now (post NPS-FM 2020). Two amendments I would recommend (to the report) are that the NPS-FM programme isn't on hold – it isn't and never formally was. Also that we have provisional FMUs (the watersheds) although these are subject to review and aren't in the plan. (Their discussion of this is a bit inconsistent).

## Spreadsheet

As to the spreadsheet, this is focused on what's already in our plan, and is largely right.

# Waikato Regional Council

## Overall comments

- Assessment looks about right.
- In a nutshell, Beca have identified our Plan Change 1 addresses most elements of NPS-FM (2014/2017) but some gaps we're well aware of for proposed NPS-FM (2019). Of course we've only advanced Waikato-Waipā so far and need to progress the rest of the region by 2024.
- I do note in Line 1345 of the final table in Beca's report in the column regarding Commentary on Extent to Which Provision is Addressed it says "Environmental flows for FMU's have been set in PC1. Climate change has been referenced in Policy 8 of PC1." This is not quite correct.
- PC1 does not include environmental flows. This should read "Environmental flows have been set in Chapter 3.3 Table 3-5 of the WRP. Climate change has been referenced in Policy 1 of Chapter 3.3 of the WRP and in Policy 8 of PC1. Provision addressed."

# Bay of Plenty Regional Council

## Overall comment

Overall this document and table are going to be a very useful reference for us and we look forward to your final.

The report should state clearly that the review was completed before the NPS-FM 2020 and NES Freshwater were gazetted.

## Report

- The report appears to be appropriate thanks.

- Note that many elements / topics have been assessed against our operative Regional Water and Land Plan, which is over 10 years old and under review. No plan change has yet been notified for the purposes of implementing the NPS-FM in regional wide provisions or in FMU based provisions, but work is underway towards this.
- Council is looking to change its work programme, timeframes and community engagement approach in order to meet the 2024 deadline. This will include a regional policy statement (RPS) change and just one RNRP [Bay of Plenty Regional Natural Resources Plan] change. Strategy and Policy Committee will decide on this on 3 November 2020.

## Spreadsheet

- A quick review suggests the spreadsheet is appropriate.
- Note that many elements / topics have been assessed against our operative Regional Water and Land Plan, which is over 10 years old and under review. No plan change has yet been notified for the purposes of implementing the NPS-FM in regional wide provisions or in FMU based provisions, but work is underway towards this.
- Cell 93H in your spreadsheet: Tarawera catchment plan will be reviewed as part of our RNRP review and NPS-FM implementation programme, and we anticipate it will be integrated in to the RNRP.

## Gisborne District Council

### Overall comment

Overall the document and table both look reasonable. Having a broad picture of freshwater implementation across councils has been quite helpful. It's good to see how everyone is going – where some of the common challenges are and perhaps where we might be able to draw from the experience and progress of other councils.

Not sure of the value of comparing against previous versions of the NPS-FM though. Would be more useful just to focus the gap analysis on the gazetted NPS-FM 2020.

### Report

- On quick review, seems like a fair assessment of where Gisborne District Council has been sitting in its freshwater implementation.
- Like other councils, we will be changing our work programme to meet the 2024 deadline. This work will also be integrated into a wider review of our RM [resource management] planning framework.

### Spreadsheet

- On quick review, seems broadly reasonable. Assessment of water quantity (phasing out existing water allocation) might be a bit off the mark. There are timeframes for phasing out allocation in the Waipaoa Catchment Plan (section DF1.3.2.2 of the Tairāwhiti Resource Management Plan).



The external analysis and recommendations will be useful as staff progress through the work programme.

## Taranaki Regional Council

### Report

Suggest amending executive summary to delete references specifying councils that were 'named and shamed' in the 2017 report as making the least progress in implementing the NPS-FM. Arguably this is unnecessary noting that the key message is that overall all councils are making progress (if you wish to continue to name and shame Southland, Taranaki and Auckland councils, as identified in the 2017 report, for historical context then arguably it is sufficient to provide this detail in the main body).

### Spreadsheet

Taranaki is incorrectly coded as red for giving effect to infill bed of river. The authors state that reclamation is only "...referred to in operative plan in relation to regionally significant wetlands. Reclamation provided for as permitted and discretionary activity in the draft 2015 plan for various activities including that associated with culverts or bridges". However, the current Freshwater Plan has numerous rules relating to use of river and lake beds, including rules relating to access structures, barrier structures, with appropriate standards, terms and conditions addressing most of the matters covered by the NES including fish passage (refer rules 52 to 76 of the RFWP [Regional Fresh Water Plan for Taranaki]). Most reclamation activities in Taranaki are processed under Rule 76 as a discretionary activity.

## Manawatu-Whanganui Regional Council (Horizons)

### Overall comment

Overall the assessment appears to be fair. It represents a point in time, however, and is already out of date on points of detail. We suggest this be noted as a limitation.

The report – rightly – acknowledges that the One Plan addresses much of the content required by the NPS-FM. This may give a misleading impression of the volume of work that remains to be done: we are required to run a process that engages the community and tangata whenua, in several steps, to review each of those elements. This will demand considerable time and resource, even where our planning instruments are already recorded as 'green'.

# Hawke's Bay Regional Council

## Overall comment

Essentially the gap analysis is already out of date where it was accurate against our past work. Assessment not entirely accurate picture of past workstreams (largely overlooked PC [Plan Change] 5, and virtually no mention of PC [Plan Change] 7).

Certainly does not reflect where we're going with the programme now. We know our 3rd edition 2018 PIP is no longer fit for purpose.

LTP [Long Term Plan] 2021-31 discussions are certainly now looking to change our RM [resource management] planning work programme, timeframes and community engagement approach in order to meet the 2024 deadline for freshwater planning, but also a combined RPS [regional policy statement] and plan on non-freshwater stuff too.

Traffic light assessment classes seems coarse. Certainly misleading to carry on running with assessment against draft 2019 NPS-FM when we now have gazetted 2020 version in place. Traffic lighting gaps against 2019 draft NPS does not add-value to future work.

## Spreadsheet

### Summary

#### Additional plan changes

The Tukituki Catchment was included in the RRMP [Regional Resource Management Plan] through Plan Change 6.

Plan Change 9 closely follows the NPS-FM 2017 update, although HBRC [Hawke's Bay Regional Council] are cognisant that given this Plan Change was notified on 2 May 2020, that it may need to be amended to give effect to the draft NPS-FM.

Plan change 5 relevant to implementation of numerous provisions in NPS-FM 2017.

#### Timeline

In terms of the RRMP, HBRC's 3rd edition (2018) Progressive Implementation Programme (PIP) had proposed to continue implementing 2014/17 NPS-FM via series of catchment-based plan changes and topic-based PCs. Third edition PIP (2018) had full implementation by 2030. But NPS-FM 2020 means that 2018 PIP, work programmes and associated budgets now need significant re-evaluation and re-design.

#### Updates to plan change dates

Plan change approach consisting of the following changes:

- RRMP Plan Change 5: Integrated land and freshwater management (notified: 2 October 2012, operative: 24 August 2019)

- RRMP Plan Change 6: Tukituki River Catchment (notified: 4 May 2013 | Operative: 1 October 2015)
- RRMP Plan Change 7: Identification of outstanding waterbodies in Hawke's Bay (notified 31 August 2019, hearing to commence 30 November 2020)
- RRMP Plan Change 9: TANK [Tūtaekurī, Ahuriri, Ngaruroro and Karamū] catchment area (notified 2 May 2020, hearings to commence May 2021)
- RRMP Plan Change 8: Mohaka catchment (commenced)
- RRMP Plan Change: Remaining catchment areas (i.e. Esk, Nuhaka, Te Ngaru, Tutira, Porangahau, Southern coast area, Waihua, Waikari, Waipatiki)
- Developing regional targets for increasing 'swimmability' of specified rivers and lakes in Hawke's Bay (refer NPS-FM Policy A6)
- Reviews of the RCEP [Regional Coastal Environment Plan] and RRMP (including the RPS) due to commence 2021.

That work programme is under significant review with the emergence of the NPS-FM 2020 and variety of other national direction.

### Te Mana o te Wai

Commentary must also record that existing provisions throughout RRMP (incl RPS) implicitly consider and recognise TMOTW [Te Mana o te Wai]. Unnecessary for TMOTW to be explicitly referenced in plans by name - it is a "fundamental concept" afterall. Notable omission from commentary is the entirely new chapter and associated provisions added to RPS by way of Change 5 (Operative October 2015). That omission needs addressing and accommodating in the recommendation. Also observe no mention made in commentary of extensive effort preparing PC [Plan Change] 7 (outstanding waterbodies).

Unclear what value-add here is of assessing this so-called "gap" given NPS-FM 2020 now in place c.f. earlier draft 2019 version?

### Freshwater quality

Also add emphasis on HBRC's extensive efforts in preparation of PC [Plan Change] 7 (OWBs [outstanding water bodies]) and the challenges encountered with ambiguous drafting of NPS-FM(s).

Observe that PC [Plan Change] 5 traversed FW [freshwater] values at some length, and particularly significant values of wetlands c.f. significant wetlands.

Much of PC [Plan Change] 6 strives for improvement of water quality degraded by human activities through policies, rules/non-regulatory methods. Too many to mention here individually.

Also in TANK, too many provisions to list but overall, striving for improvement in quality of water - and quantity too.

### Discharges

Should record that implementation of these is not apparent only based on content of regional plans (and/or RPS), but also in practice of consent decision-making.

RRMP and RCEP have been amended to insert policy.

## **Objective B4 - wetlands**

Substantial effort in preparing PC [Plan Change] 7 (outstanding waterbodies) despite ambiguities in 2011/14/17 NPS-FM drafting.

## **Objective B5 – provide for economic wellbeing**

Change 5, plus already operative RPS and RRMP provisions still relevant. Surprised to read comment "no specific provisions" in RRMP/RPS. See various objectives and policies in RRMP Chapter 3.1A in particular.

## **Integrated management**

Change 5, plus already operative RPS and RRMP provisions still relevant. Ki uta ki tai is specifically mentioned in RRMP Ch 3.1A and inferred in various other provisions.

## **Identifying freshwater management units**

Not a case of water management zones (WMZs) being used "rather than" FMUs. WMZs used to provide far better fit-for-purpose application of policies and rules to particular locations. FMU is arguably the Tukituki River Catchment Area in this instance.

## **Monitoring plans**

Also reference use of [www.lawa.org.nz](http://www.lawa.org.nz) as a publicly available online resource on freshwater monitoring data.

## **Accounting for freshwater**

The HBRC note that frequent changes to the NPS-FM pose challenges for establishing and adapting monitoring programmes for freshwater attributes that are required to be monitored. Increasing numbers of attributes and form of monitoring has regularly shifted goalposts.

## **Progressive improvement plans**

HBRC has prepared three editions of the PIP, one to follow each of the three iterations of the 2011/14/17 NPS-FMs. Annual reporting on PIP actions has featured in HBRC's Annual Reports.

## **Tangata whenua roles and interests**

Must also observe critical piece of iwi participation legislation, being the Hawke's Bay Regional Planning Committee Act 2015.

## **Identifying current attribute states**

Besides unclear value-add of this 'gap' assessment against a [now] superseded draft NPS-FM, unclear why this has garnered a 'Red' assessment. NPS does not require the current state of attributes to be specified in the plan. Simply requires council identify them somewhere in the National Objectives Framework (NOF) process. Entirely legitimate for them to be identified and recorded outside of plan content. If any 'gap' then it is in being clever about communicating and having ease of access to whereabouts of that current state attribute info relative to the plan's limits on same attributes.

## Monitoring māutaranga Māori

PC [Plan Change] 6 Policy TT16(3) directed Council to develop māutaranga Māori tools, in association with various iwi authorities. Some progress has been made on this, but not within policy's specified timeframes for various reasons.

## Large scale hydro

"Not applicable" would be incorrect commentary if assessment against draft NPS. Waikaremoana scheme is located in HB [Hawke's Bay] region. Having said that, Waikaremoana Scheme has been removed from the gazetted version of NPS-FM 2020.

## Wetlands – vegetation destruction rules

What does recommendation to "update" rules mean? Simply to remove duplication with NES equivalents? If so, then our assessment is that there is no 100% duplicate match. If recommendation for future plan change content, then that probably steps over mark of what this gap assessment intended, particularly given assessment thus far only against the [then] proposed 2019 version of NES.

## Freshwater module of farm plans

TANK PC [Plan Change] also proposes farm management plan/catchment collective plans etc with flexibility in how/who prepared.

## Nitrogen cap

Ambiguous why 'Green' assessment given here, yet recommendation made to review/align with NES? Furthermore, why make recommendation when NES and regional rules can co-exist and most stringent applies and/or duplications can be removed without a Schedule 1 process (albeit duplication realistically requires 100% match and there is virtually no 100% match between NES and existing regional rules).

# Greater Wellington Regional Council

## Spreadsheet

- Concerned that it is misleading in general. Red indicates we have a gap but most of them relate to provisions which haven't even been in effect a month. Concern is that this information will be misconstrued.
- We have done benchmarking against all of the attributes and certain these are available on our website.
- Looking ahead this will be really helpful in informing our first plan change; but my biggest concern is that on its face it appears there is a lot of stuff where we fall short ... which simply isn't the case.
- It's essentially out of date already, referring to 2025-2030 timeframes to give effect. How accurate is the spreadsheet given it was looking at the draft instruments? They need a big note

on the second page setting all this out given that things shifted considerably between draft and final.

## Tasman District Council

### Spreadsheet

#### Summary

##### Corrections to details of plan changes

- Delete plan changes 69 and 37 from list of notified plan changes. Add Change 71: Coastal Occupation Charges, and Change 72: Moorings and Coastal Structures and Mooring Areas Bylaw.

##### Allocation of water

- “Allocation of water is a pressing issue for Tasman region.” Needs explanation – overallocation on Waimea has been addressed through clawback and construction of a new dam. Not aware of other quantity issues of note.

##### Clarification to details of River and Freshwater advisory committee

- There are eight iwi plus Ngai Tahu (Ngati Wae Wae). Three of the eight tangata whenua iwi in Te Tau Ihu (Rangitane, Ngati Kuia and Ngati Apa) are of Kurahaupo waka origins; three (Ngati Toa, Ngati Koata and Ngati Rarua) descend from the Tainui waka; and two are from northern Taranaki (Ngati Tama of Tokomaru waka origins and Te Atiawa of Aotea or Kurahaupo descent).under treaty settlement acts there is provision for a pan-iwi River and Freshwater Advisory Committee.
- River and Freshwater advisory committee is provided for through the local treaty settlement acts. It has only met twice and has been in abeyance since 2016. In lieu of the committee TDC [Tasman District Council] has an operational level iwi policy working group (with ToR [terms of reference]) whose members comprise all Te Tau Ihu iwi trusts plus the mohua manawhenua ki mohua.

##### Correction to timeline

TDC were working to have the NPS-FM fully implemented by 2030, but with the recent Resource Management Act 1991 (RMA) changes this has shifted to a plan notification date of December 2024. This will be a single combined plan.

##### Water management areas

Corrections to discussion of Progress Implementation Report summary. TDC has established seven water management areas (Waimea, Motueka/Riwaka, Takaka, Aorere/West Coast, Upper Buller, Abel Tasman/Kaiteriteri and Moutere). The implementation of the NPS-FM varies across these areas and it is anticipated these will form the basis of the FMUs in the region. Takaka and Waimea have been prioritised for advancement of freshwater work in the last few years.

Recommendations from the Takaka freshwater and land advisory group (FLAG) were received by council in June 2019. The Waimea process has recently been reinstated following abeyance in 2016 due to capacity issues, to focus more specifically on addressing the nitrate issues on the Waimea Plains.

## FMUs

FMUs have been identified but not yet consulted on.

## Swimming targets

Swimming targets are in the Long Term Plan. Results are reported yearly through the annual report. The swimming targets constitute a component of the following level of service:

We provide an appropriate policy framework that effectively promotes the sustainable management of the District's natural and physical resources by:

- identifying and responding to resource management policy issues; and
- providing a sound and appropriate policy planning framework that is responsive to our changing environment, will protect and enhance our unique environment and promote healthy and safe communities.

(see page 60 of the [current LTP](#))

Targets are 98% of swimming beaches and rivers for fine weather samples and 92% for all weather samples are suitable for contact recreation. Current performance is: 98.6% of swimming beaches and rivers for fine weather samples and 92.4% for all weather sample. . There is nothing in the NPS-FM that says the targets must be in the regional plan.

## Over-allocation objectives

Assessment that objective is not given effect to is incorrect. The Waimea catchment is over allocated and specific provisions (related to the new Waimea community dam) to claw back over allocation and tie new permits to flows what will be managed by the new dam are all included in the current plan.

## Criteria for deciding water take permits

Correction – there are specific provisions for criteria for deciding water permits for Waimea subzones.

## Progressive implementation programme reporting

Correction – reporting on PIP progress was undertaken through council committees and available in publicly released agenda and reports.

## State of the Environment reports

“Frequency of state of the environment reports should be increased to give effect to this provision.” (Refers to provision 3.21 of the NPS-FM notified 2019). This is a resourcing issue. We have one freshwater scientist in Tasman and he has limited capacity to do everything so state of the environment (SOE) reporting is on a periodic basis. Also SOE reporting is different from the reporting requirement required by the NPS-FM so don't quite understand the emphasis on the SOE reports.

## Regional council rules

Relates to all assessments regarding provisions in the NES (as notified 2019). This section is redundant as any plan rules are replaced by NES rules so don't understand why this is here.

# Nelson City Council

## General comment

The report and accompanying assessment table are useful overview tools, a resource for identifying gaps and/or opportunities for improvement.

They confirm that the Draft Nelson Plan generally reflects the requirements of the 2014 NPS-FM (amended 2017) and has anticipated key aspects of the 2020 NPS-FM based on the 2019 draft version. Further work has been programmed to meet the specific and/or unanticipated requirements of the 2020 NPS-FM, and these gaps appear to be accurately documented in report and assessment.

Regarding the reporting of the Nelson Plan status and community engagement, the Draft Nelson Plan has been released for public feedback (October – December 2020). Further engagement on freshwater provisions is planned for 2021.

## Report

The summary report appears to meet its purpose in providing an overview of Council implementation of central government requirements for freshwater management. A few inaccuracies and/or queries are noted in relation to the Draft Nelson Plan:

- Water Quality and National Objective Framework Process – Compulsory values and attributes of the NOF for both the 2014 NPS and 2020 version are covered by the Draft Nelson Plan. The 'single' tick against the NPS-FM (draft 2019) is inaccurate.
- Identification of FMUs – FMUs have been clearly identified and reflect ki uta ki tai approach to catchment delineation and Te Mana o te Wai. They are unlikely to change as a consequence of the NPS-FM 2020, and it is unclear from the assessment and report where, how or why they might be only 'moderately implemented' in the context of the NPS-FM 2020.
- Threatened Species and Mahinga Kai – Both values are identified in the Draft Plan in relation to the FMUs where the community have identified their importance. Objectives, policies, attributes and limits have been set in the Draft Plan to ensure their management and/or protection. It is therefore unclear why they have been assessed as having 'not been implemented'.

## Spreadsheet

The detailed spreadsheet is a valuable resource in that it provides: a fresh perspective on the extent of implementation of detailed provisions from 'an outsider'; a viewpoint on how easy and/or accessible key information is to obtain from Council sources; and, an indication of the scope of further effort/work necessary to meet NPS-FM requirements. This is useful. A minor inaccuracy and/or query on the assessment are provided as follows:



- Current attribute states (line 940) – this has been given a ‘red’ assessment. Current attribute states are clearly documented in a background report “Whakatu Nelson freshwater sub-catchment summary of current state, values and issues requiring a Plan response” which is available on the Council website. This may have been overlooked in the assessment.

Further ‘red’ assigned matters appear to accurately reflect the gaps of the Draft Nelson Plan to meet specific and highly detailed requirements of the NPS-FM 2020, the requirements for Action Plans, and the need to determine activity limits.

# Marlborough District Council

## Report

### E-water tool

The main thing is the emphasis when referring to the Council's e-water tool. Throughout the report it is referred to as though it has been developed, however it is still in development. For this reason it is also not appropriate to include the link to e-water in the document as it is not ready for public consumption, so we request that the link on page 41 is removed. It is noted that the reference to e-water on page 29 does appropriately refer to it as being in development.

For clarity, the references to e-water we would like altered are –

- Page 3, second bullet point in the blue box – please amend as follows – “Marlborough District Council is developing an ‘e-water’ system with up to date data on water take permits, current restrictions and temporary transfers in a dashboard system;”
- Page 30 – remove first bullet point as e-water is not publically available at this time
- Page 41, first bullet point – please amend as follows – “As previously noted, Marlborough District Council is developing an ‘e-water’ system with up to date data on water take permits, current restrictions and temporary transfers in the form of a dashboard system<sup>17</sup>;”, and remove the link in footnote 17 on this page
- Page 47, second bullet point – please amend as follows – “Marlborough District Council is developing an ‘e-water’ system with up to date data on water take permits, current restrictions and temporary transfers in a dashboard system”.

### Method of implementation

On page 37 the table summarises the likely method of MDC [Marlborough District Council] implementing the freshwater policy in our Plan, with it being recorded that we would do a full freshwater plan change. This is not the case, the most likely process for MDC would be a variation, not a plan change, and it would be a partial implementation not a full implementation, as we have already implemented the freshwater policy in part. It is acknowledge that the table does not have an option for “Freshwater Variation in part” but wanted to raise this matter for your consideration.

### Overall comment

On a more general note, we were a little confused about how the report was going to be used given the introduction of the 2020 legislation, for example, recommendations by Beca relating to Progressive Implementation Programmes (PIPs) are no longer relevant given PIPs are no longer in the NPS-FM, and references to 2025-2030 timeframes are also no longer relevant.

# West Coast Regional Council

No further comments on any of the content relating to the West Coast Regional Council.

# Canterbury Regional Council

## Spreadsheet

### Section 3.1 - Te Mana o te Wai

- The NPS-FM 2020 is a significant policy shift from the previous NPS-FM 2014 (amended 2017). Te Mana o te Wai has been elevated to a 'fundamental concept, that underpins all discussions and decisions relating to freshwater, and one which prioritises the health and well-being of freshwater and ecosystems above all other uses. This prioritised approach is reflected in the NPS-FM 2020's single objective, and through policies which require freshwater to be managed in a way that gives effect to Te Mana o te Wai.
- The Beca Review assesses the extent to which council plans have implemented Te Mana o te Wai (Section 3.1, Table 1). While not explicit, it is assumed the assessment has been made on the basis of Te Mana o te Wai as now described in the NPS-FM 2020. The assessment is limited to a review of relevant objectives and policies and there are a number of challenges with this approach:
  - Te Mana o te Wai as expressed in the NPS-FM 2020 is a fundamental shift from how the concept has been expressed in earlier iterations of the NPS-FM. Earlier iterations of the NPS-FM (2014/2017) express the concept of Te Mana o te Wai as one that 'recognises the connection between water and the broader environment' but did not go so far as to prioritise health and wellbeing of freshwater.
  - Council plans that refer to 'Te Mana o te Wai implement the concept as it was understood at the time the plan was developed. Policies, methods and limits will have been developed to give effect to Te Mana o te Wai as expressed in earlier iterations of the NPS-FM while providing for social, environmental, cultural and economic wellbeing. Consequently plan provisions often set limits and require change at a pace that strikes a balance in providing for all four well-beings. The NPS-FM 2020 does not allow for such an approach, instead it sets a clear hierarchy of obligations with respect to the setting of limits.
  - Giving effect to the 'Te Mana o te Wai' as expressed by the NPS-FM 2020 requires councils to follow certain processes and procedures. By way of example councils are required to actively involve tangata whenua to identify the local approach to Te Mana o te Wai; engage with tangata whenua at all stages of NOF implementation; and apply the hierarchy of obligations at each step of the NOF. Given the NPS-FM 2020 introduces two new compulsory values (threatened species and mahinga kai), and the new process steps involved it would be difficult to demonstrate existing plan provisions are consistent with Te Mana o te Wai as now newly expressed in the NPS-FM 2020.
- For Environment Canterbury's plans we consider substantive progress has been made towards implementation of Te Mana o te Wai as expressed in previous versions of the NPS-FM. However, further conversations between Council and mana whenua are necessary to understand the extent to which plan provisions do, or do not give effect to the local interpretation of Te Mana o te Wai (as now expressed under the NPS-FM 2020). These conversations must be carried out before conclusions can be drawn.

### **Section 3.2 – Water quality and national objective framework process**

- We consider significant progress has been made towards implementation of the NPS-FM 2017, with an operative region-wide ‘hold the line’ framework in place for the region and limit-setting processes initiated or completed for eight freshwater management units.
- The key used to indicate progress is limited to ‘one tick = provision not been implemented’, ‘two ticks’ a moderate degree of implementation but not full implementation’, ‘three ticks represents full implementation’. Using that key the Council has been graded as having made ‘moderate’ progress towards implementation, which is a reasonable assessment given the categories available, but one that disguises the significant progress the Council has made. A category of ‘significant progress’ would help distinguish Councils who have made significant steps towards NPS-FM 2017 implementation.

### **Section 3.4 – Primary contact sites**

The Council has been graded as having made ‘moderate’ progress towards implementation of NPS-FM 2017 provisions relating to primary contact sites. We consider a grade of ‘full implementation’ would be more appropriate given the Council:

- has identified in its Land and Water Regional Plan areas used for freshwater bathing’ (refer Schedule 6)
- has initiated a recent plan change (Plan Change 7) to add additional sites to the Schedule
- undertakes weekly monitoring of water quality at freshwater bathing sites and makes this information available on its public-facing website <https://www.ecan.govt.nz/get-involved/news-and-events/2018/wheres-good-to-swim-in-canterbury/>

### **Section 3.5.2 – NPS-FM 2019 attributes – threatened species and mahinga kai**

The Council has received a grade of ‘moderate’ progress towards implementation of the NPS-FM 2019 attributes for threatened species and mahinga kai. It would be more appropriate for the Council to receive a grade of ‘significant progress’ on the basis that the Council has notified Plan Change 7 which:

- identifies ‘indigenous freshwater species habitat’ and inserts policies and methods to manage activities that have the potential to adversely affect the quality or extent of that habitat
- included ‘mahinga kai’ as a region-wide value to be managed for, and policies and methods that provide for those values (refer Table 1a and 1b of the plan change)

### **Section 3.6 – Water allocation**

The Council has been graded as making ‘moderate progress’ towards provisions in the NPS-FM 2017 that require over-allocation to be phased out. The grading appears to be on the basis that the assessment considers the Plan does not include policy direction on avoiding further over allocation and phasing out existing over allocation.

The LWRP [Land and Water Regional Plan] includes policies to address over-allocation - for example Policy 4.7 states consents for new activities will not be granted if the granting would cause limits to be breached or further overallocation of water to occur, and Policy 4.50 directs a reduction in the

volume of water allocated to replacement water permits. On that basis it is considered that 'significant progress' towards this provision would be more appropriate.

# Otago Regional Council

No substantive comments to make.

# Southland Regional Council

## Report

- At 1.2 - you reference the previous review back in 2016 when Southland was highlighted as one of the regions making least progress but the tense used doesn't make it clear it was a previous review as opposed to this one?
- In table 1 would it be possible to state the proposed Southland Water and Land Plan is currently progressing through the Environment Court process to resolve appeals and that the TMotW [Te Mana o te Wai] elements are being strengthened through that process.
- Table 11 – I'm not clear what the difference would be between a "Freshwater" Plan Change in full and a 'Full Plan Change' but I think we'd be more likely to fit in the second column. Our pSWLP [proposed Southland Water and Land Plan] is the foundation Plan, which sets the framework for limits and methods to be inserted and to give full effect to the NPS-FM so we're not intending to undertake a whole Plan change to achieve the requirements.
- 4.4.2 – the bullet on the Southland Economic Project model needs to have the tense corrected as the model is currently being used to inform community consultation etc. – this process is underway and 'live' so present not past tense would be more accurate please.



# Chathams Islands Council

There are no changes required to the information that relates to the Chatham Island's Council.