Ministry for the Environment
Manatū Mō Te Taiao

Ministry for Primary Industries
Manatū Ahu Matua

National Policy Statement for Freshwater Management Implementation Review

Bay of Plenty – Te Moana a Toi-te-Huatahi

New Zealand Government

Published in August 2017 by the
Ministry for the Environment
Manatū Mō Te Taiao

This document is available on the Ministry for the Environment website: www.mfe.govt.nz.

Contents

Region overview

The Bay of Plenty region covers about 12,250 square kilometres of the eastern North Island surrounding the Bay of Plenty, from Waihi Beach at the base of the Coromandel Peninsula to Cape Runaway. The inland boundaries generally align with catchment boundaries, following ridges in the volcanic Kaimai and Mamaku ranges in the west and older sedimentary mountains of the Raukūmara, Huiarau and other Te Urewera ranges in the east.

About half of the region is covered by native vegetation, a quarter in exotic plantation forestry, and 20 per cent in pasture, with the remainder divided among horticulture and urban areas (figure 1). While there has been relatively little land use change in recent years, intensification and urban growth have placed increasing pressure on both water quality and quantity.

Rivers in the region typically flow along fault lines northward from headwaters in the mountains and volcanic plateau into the sea. The largest of these are the Wairoa, Kaituna, Tarawera, Rangitāiki, Whakatāne, Waioeka, Motu and Raukokore rivers. The 12 Rotorua Te Arawa lakes are the largest in the region and also those with the greatest cultural, recreational and economic significance. Hydroelectric dams on the Rangitāiki River have created two additional lakes. Wetlands were historically drained and destroyed to an even greater extent than in other parts of the country, meaning only 3 per cent of the region's wetlands remain today. The region also encompasses all or part of 10 geothermal systems, including those around Kawerau, Rotorua, Tauranga and the Waimangu valley.

The climate is mild with a mean annual rainfall of up to 2200 millimetres in the western and eastern mountain ranges but less than 1200 millimetres on parts of the coastal plains and volcanic plateau.

Water quantity allocation is an issue for many catchments, particularly in the western part of the region. While the main stems of most larger rivers have water available for allocation, two-thirds of smaller streams are over allocated.[1, 2] One-fifth of groundwater resources are over allocated, notably in the lower Kaituna and Otūmoetai areas.

At the regional scale, horticulture accounts for 60 per cent of consumptive water take consents and the largest volume of allocated water. In the west, where over allocation is most severe, however, domestic supply is both the greatest demand and the area of greatest anticipated growth, largely due to urban development around Tauranga.

With regard to water quality, most monitored river sites and lakes are in the A or B bands for the attributes related to ecosystem health in appendix 2 of the National Policy Statement for Freshwater Management (NPS-FM).[3] Several regional rivers have elevated microbial levels

---

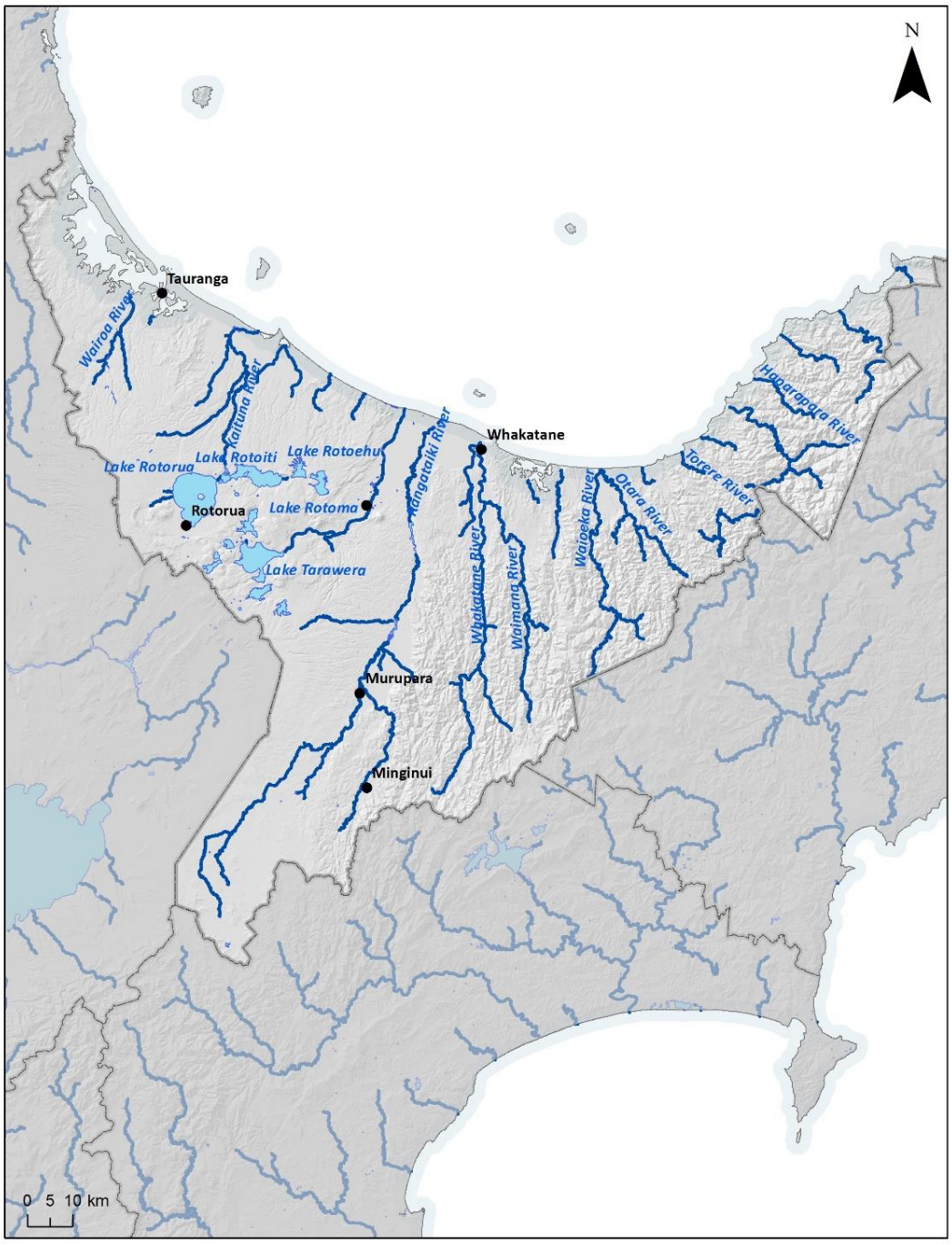
1 Defined by the Bay of Plenty Regional Council as more than 35 per cent of annual recharge.

2 Bay of Plenty Regional Council. 2016. *Assessment of water availability and estimates of current allocation levels October 2016*. Retrieved from www.boprc.govt.nz/media/635488/assessment-of-water-availablity-report-rev-11.pdf (30 June 2017).

3 Bay of Plenty Regional Council. 2015. *Freshwater in the Bay of Plenty – Comparison against the National Objectives Framework.* Environmental Publication 2015/04. Retrieved from www.boprc.govt.nz/media/448363/freshwater-in-the-bay-of-plenty-comparsion-against-the-national-objectives-framework.pdf (30 June 2017). Bay of Plenty Regional Council. 2017. *State and trends in river health (1992–2014) in the Bay of Plenty: Results from 22 years of the NERMN stream bio-monitoring programme*. Environmental Publication 2017/01. Retrieved from www.boprc.govt.nz/media/610374/state-and-trends-in-river-health-1992-2014-in-the-bay-of-plenty_-results-from-22-years-of-the-nermn-stream-bio-monitoring-programme.pdf (30 June 2017).

that do not meet the minimum acceptable standard for swimming or other primary recreation.[4] As is common nationwide, quality is highest in catchments dominated by native forest and poorest in lower river reaches and areas of more intensive agriculture or urban development. The most degraded lake is Lake Ōkaro, although others, such as Lake Rotorua and Lake Rotoehu, have issues with phosphorus and phytoplankton, including periodic toxic algal blooms.

Figure 1: Major water bodies in the Bay of Plenty region



Source: Ministry for the Environment

[4] Bay of Plenty Regional Council. 2015. *Freshwater in the Bay of Plenty – Comparison against the National Objectives Framework.* Environmental Publication 2015/04. Retrieved from www.boprc.govt.nz/media/433845/freshwater-in-the-bay-of-plenty-comparsion-against-the-national-objectives-framework.pdf (30 June 2017).

Review methodology

The information and analysis contained in this report are based on evidence collected from a questionnaire completed by Bay of Plenty Regional Council (BoPRC), a series of interviews and panel discussions with relevant parties, planning documents and associated reports, and the Ministry for the Environment's ongoing relationships and projects across the region. The overall review team consisted of officials from the joint Ministry for the Environment and Ministry for Primary Industries Water Directorate with the assistance of two independent consultants who are both certified hearings commissioner with more than 30 years of experience in freshwater management.

The review team (including one of the above consultants) conducted a series of panel discussions with BoPRC executives and staff, elected councillors, stakeholders and tāngata whenua representatives. Additional interviews and panel discussions were held with representatives from national sector organisations. Following each meeting, attendees were given the opportunity to revise or supplement the meeting notes to ensure their views were recorded accurately.

While the review team has made efforts to confirm information where possible, much of the information included in the review is based on the accounts and perspectives of those involved and often cannot be verified independently.

Stakeholder and tāngata whenua representatives did not necessarily speak with mandate as official representatives of their organisations nor are they presumed to represent all in their wider communities. They were, however, primary sources with direct experience of BoPRC's work.

Because of varying regional contexts, some issues are considered more or less relevant in different regions. Therefore, some topics that appear in other regional chapters but that were not raised by BoPRC, iwi and hapū or stakeholders in this region have been omitted from this chapter.

Regional context for freshwater management

Water in the Bay of Plenty region is currently managed under the Regional Policy Statement and Regional Water and Land Plan 2008. The plan includes minimum flows and allocation rules to address water quantity as well as maximum or minimum in-stream concentrations for a variety of indicators of water quality and ecological health. The plan also contains non-regulatory methods aimed at encouraging the restoration of wetlands, the uptake of good environmental management practices by industries, the retirement and planting of riparian margins and a range of other actions to improve water quality.

A Water Conservation Order has been in place for the Motu River since 1984 that bars new water take consents and dams. This is given effect in the 2008 Regional Water and Land Plan.

Iwi and hapū contexts

With 36 iwi and over 260 hapū, Bay of Plenty is one of the more complex regions in New Zealand in terms of iwi and hapū engagement. At the time of writing, 17 Treaty of Waitangi settlements have been completed and several others are in progress.

Three members of BoPRC are elected from Māori constituencies – the first such in the nation for a regional authority. In addition to their normal duties as full members of council, they comprise half of the Komiti Māori, a core standing committee responsible for directing and overseeing how BoPRC implements its statutory obligations to Māori. Komiti Māori meetings are open to all and are held at different regional marae to ensure Māori have the opportunity to engage fully.

BoPRC also currently has three co-governance arrangements resulting from Treaty of Waitangi settlement legislation: the Rotorua Te Arawa Lakes Programme, Rangitāiki River Forum and Te Maru o Kaituna River Authority. The Rangitāiki River Forum and Te Maru o Kaituna River Authority are joint iwi and territorial local authority governance groups. Both co-governance groups have developed ‘river documents’ to guide management in their respective areas.

- The Rangitāiki River Document – *Te Ara Whānui o Rangitāiki Pathways of the Rangitāiki* is now being recognised in the Regional Policy Statement through Proposed Change 3 – Rangitāiki River, which was notified in October 2016.
- The Kaituna River Document *Kaituna, he taonga tuku iho* has been opened for submissions through July 2017. Once final, a change to the Regional Policy Statement will be required to recognise the document and provide for its objectives.

Together, iwi currently have 42 iwi management plans in place. BoPRC provides funding and resources to help with the development of these iwi management plans.

Approach to implementing the NPS-FM

Progressive implementation programme

BoPRC is implementing the National Policy Statement for Freshwater Management (NPS-FM) in stages, with final completion scheduled for 2025. It is first addressing interim objectives and water quantity allocation limits at the regional scale. However, BoPRC has divided the region into nine Water Management Areas (WMAs) and is developing specific objectives, limits and rules for each that will override the regional defaults. BoPRC has started this process in the Kaituna–Maketū and Pongakawa–Waitahanui WMA and the Rangitāiki WMA.

At the time of writing, three proposed changes to the Regional Water and Land Plan related to fresh water are in progress and others are in development. The current changes are listed below.

- Proposed Plan Change 9 (Region-wide Water Quantity) aims to address water quantity allocation and efficiency at the regional scale. The proposed change was publicly notified in October 2016 and hearings are scheduled for late 2017.
- Proposed Plan Change 10 (Lake Rotorua Nutrient Management) sets limits around the amount of nitrogen entering Lake Rotorua from land use. The change was publicly notified in February 2016, and hearings were held in March and April 2017. According to BoPRC, Plan Change 10 will significantly affect land users in the catchment. It considers that, even with every farm working to best practice, the proposed changes will not be enough to reach the desired targets.
- Plan Change 12 (Freshwater Futures) is being developed to set freshwater quality and quantity objectives and limits for the Rangitāiki WMA and Kaituna–Maketū and Pongakawa–Waitahanui WMA. The plan change is expected to be notified in late 2018.

Priorities

BoPRC says that the priority for NPS-FM implementation was given to catchments where iwi had completed Treaty of Waitangi settlements, there was greater pressure from land use intensification and the Council considered sufficient information was available for decision-making. Treaty settlements are of particular importance because they shape governance and management structures and post-settlement iwi have more available resources to be involved. Based on these criteria, the Kaituna–Maketū and Pongakawa–Waitahanui WMA and Rangitāiki WMA are being addressed first. BoPRC has been working on addressing issues in the Rotorua Te Arawa lakes area since 2003 because of the lakes' water quality problems and regional and national significance.

BoPRC will address areas less at risk of land use change, such as the Motu catchment, later in its work programme. BoPRC says that the rationale behind this is a risk-based approach where it can put more energy and focus toward more difficult issues and catchments.

Stakeholder views

Stakeholders we spoke to have acknowledged that a lot of time pressure exists for both themselves and BoPRC around the NPS-FM implementation process. Stakeholders expressed the view that BoPRC is generally open to discussion around the NPS-FM and that every effort has been made to consult and involve the public. Stakeholders also noted that it needs to be clear who makes final decisions at BoPRC and how these decisions are made. This will enable stakeholders and the public to establish faith in the processes in place and better develop partnerships.

Iwi and hapū views

Hui participants we spoke to felt that BoPRC was initially slow to start implementing the NPS-FM in most catchments as it learned from other councils.

Participants we spoke to consider that significant water bodies are not being cared for as they should be. The Kaituna catchment was given as an example where they considered the river is treated as a drain and is unable to thrive. They consider drystock are not being dealt with, despite significantly contributing to polluting the Kaituna and other waterways.

Hui participants felt that plenty of smaller dairy farms were doing a really good job with respect to fresh water, but they noted not all larger dairy farms were performing as well as they could in terms of environmental sustainability.

NPS-FM implementation progress in major catchments

LAKE ROTORUA

The target set by the Regional Policy Statement requires a 320 tonne reduction of nitrogen entering the lake. The Rotorua Te Arawa Lakes Programme expects this will be achieved by:

- 140 tonnes through the rules in Proposed Plan Change 10
- 100 tonnes from voluntary land use change and nitrogen reductions below what the rules will require through the Lake Rotorua Incentives Board funding pool of $40 million
- 50 tonnes will be achieved through engineering initiatives
- 30 tonnes will be achieved through voluntary removal of gorse (a nitrogen fixing plant) within the Lake Rotorua catchment under the Gorse Conversion Project, which has funding of $2 million.

The hearings for Proposed Plan Change 10 to set limits in the Regional Plan were held in March and April 2017.

Note: for other Rotorua lakes, there is an existing water quality objective based on a trophic level index for each of the 12 lakes. Associated action plans were drafted for 11 lakes through collaborative processes.

KAITUNA–MAKETŪ, PONGAKAWA–WAITAHANUI

BoPRC has set up two community groups to engage with for the Kaituna–Maketū and Pongakawa–Waitahanui WMA. The groups are being involved in setting water allocation and quality limits in the Regional Water and Land Plan. To date, the groups have helped develop draft values, freshwater management units and in-river preferences. Two community groups have been set up in this WMA because of the different communities in the area and the existing co-governance arrangement.

Under the Tapuika Claims Settlement Act 2014, the co-governance group Te Maru o Kaituna River Authority was established in 2014 with the following representative members: Tapuika, Tapuika–Waitaha, Ngāti Rangiwewehi, Te Pumautanga o Te Arawa, Rotorua Lakes Council, Western Bay of Plenty District Council, Tauranga City Council and BoPRC (Ngāti Whakaue have observer status).

Its purpose is to restore, protect and enhance the environmental, cultural and spiritual health and well-being of the Kaituna River. The Kaituna River Document – Kaituna, he taonga tuku iho was notified in 27 May 2017. Once approved, the document will need to be recognised in the Regional Policy Statement and in Plan Change 12. The forum endorsed the establishment of the WMA community groups and determined that it did not want to run or manage the process.

RANGITĀIKI

The Rangitāiki River is the longest in the Bay of Plenty Region, with a catchment that presents one of the most active Treaty settlement landscapes.

The Rangitāiki River Forum was formed in 2012. The purpose of the Forum is the protection and enhancement of the environmental, cultural and spiritual health and well-being of the Rangitāiki River and its resources for the benefit of present and future generations. The Forum is a co-governance arrangement in the form of a joint committee (under the Local Government Act 2002) with BoPRC and the Whakatāne District Council. Taupō District Council is joining the Forum later in parallel with settled iwi in its district.

Iwi members in this forum include appointees from Ngāti Whare, Ngāti Manawa, Ngāti Awa and Ngāti Tūwharetoa (Bay of Plenty), and will later be joined by more recently settled iwi Ngāi Tūhoe and Ngāti Hineuru. The Forum prepared and approved the Rangitāiki River Document – *Te Ara Whānui o Rangitāiki Pathways of the Rangitāiki*. In that document, the vision, desired outcomes and objectives for the Rangitāiki River are now recognised in the Regional Policy Statement with Proposed Change 3 – Rangitāiki River, which was notified in October 2016.

Following the Forum's endorsement, BoPRC has set up a community group to engage with for the Rangitāiki Water Management Area. In the community group's terms of reference, at the group's suggestion, BoPRC reports to both the Council and the Forum. Work to date on Plan Change 12 includes development of draft values, freshwater management units and in river values.

Stakeholder views

Stakeholders expressed the view that various BoPRC freshwater management initiatives seem disjointed, which was further complicated by multiple ongoing Treaty of Waitangi processes.

Some stakeholders considered that the NPS-FM and NPS for Renewable Electricity Generation should be implemented into the Regional Plan together. At present, they consider that BoPRC is not considering the NPS renewables when allocating water.

Iwi and hapū views

Hui participants we spoke to said that they consider the implementation timeframes BoPRC has set are not realistic. Deadlines and milestones for the region are tight, because the region has many significant water bodies and multiple iwi to consider.

They noted there are competing interests between long-term aspirations, election cycles and business cycles. A common ground needs to be found between these three aspects in order to best implement the NPS-FM.

Achieving the objectives of the NPS-FM

Limit setting and allocation

In terms of water quantity, Proposed Plan Change 9 is to set regional defaults for minimum flows and allocation levels, as well as region-wide parameters (eg, water metering and reporting requirements, permitted activity thresholds and requirements, policy for dealing with over allocation, existing unauthorised takes, transfers and so on). It deals with both surface water and groundwater quantities. Plan Change 9 reinforces existing limits to allocation, with policy requirements to 'generally decline' a new application above the interim limits, unless specific circumstances are met. Each water management area will subsequently review the default limits and determine appropriate local limits.

BoPRC says that over allocation (based on default limits) will be addressed once final limits for each area have been incorporated into the Regional Plan. New policy in Plan Change 9 confirms that BoPRC is committed to having steps in place to phase out over allocation by 1 October 2027. As existing consents expire and are renewed, an efficiency review is undertaken and frequently results in less water being allocated. About 60 per cent of consents will expire in 2026.

BoPRC says it would like central government to take a stance on iwi water rights, to provide direction on how to establish and implement policy.

Water quality limits and allocation will be addressed at the WMA level through their respective planning processes. The first of these, the Lake Rotorua Nutrient Management – Proposed Plan Change 10, will implement rules to manage nutrients coming from land use to ensure long-term sustainability of Lake Rotorua's water quality. Limits for other WMAs will be developed over time.

Stakeholder views

Stakeholders felt that messages have been mixed from BoPRC around water allocation. At times, they are told a catchment is fully allocated, yet BoPRC is also looking for opportunities for development. Stakeholders feel that BoPRC is fragmented with respect to the quality and quantity aspects of the NPS-FM and there is still some way to go with setting allocation limits.

Community engagement

BoPRC engages with stakeholders at the regional scale through a regional water advisory panel. The group meets quarterly and includes representatives from major primary industry sectors, environmental groups, energy producers and other interest groups. BoPRC says that the purpose of this panel is to provide advice and recommendations to it on regional issues associated with the implementation of the NPS-FM. An additional freshwater collaboration group comprising regional, district and city council staff discusses and coordinates management issues between the local authorities.

At the sub-regional scale, BoPRC is tailoring its approach to engagement for each WMA depending on several factors including: the extent of water quality issues and pressures, the presence or absence of co-governance agreements, the level of capacity among iwi, hapū and key stakeholders, time and cost. It is particularly concerned about the amount of resources that more involved collaborative processes require – not only for the Council but iwi and stakeholders as well.

Lake Rotorua

With respect to community engagement in the Rotorua Lakes catchment, BoPRC considered that a collaborative stakeholder group approach was needed due to the complexity of issues, the difficulty in meeting stringent Regional Policy Statement targets and the effects that anticipated changes would have on land owners.

The Lake Rotorua Stakeholder Advisory Group was formed in 2012 and includes 15 members from sectors that will be affected by the rules. These include representatives from the forestry sector, Lakes Water Quality Society and Te Arawa land owners. A separate Rotorua Te Arawa Lakes Strategy Group was established in law as part of the Te Arawa Lakes Settlement and provides the overarching management. The partners in this group are Te Arawa Lakes Trust, Rotorua Lakes Council and BoPRC.

Water Management Area groups

Local engagement is focused on freshwater futures community groups within each WMA. Three such groups are currently operating: one for the Rangitāiki WMA and two separate groups for the two parts of the Kaituna–Maketū and Pongakawa–Waitahanui WMA. The decision to divide the WMA in half was made because of separate co-governance agreements and differences between the communities in the two areas.

The current freshwater futures groups sit at the 'involve' level of the International Association for Public Participation spectrum, although BoPRC notes the processes are similar to what other councils have labelled as collaborative.[5] As such, the groups are charged with identifying community values and objectives and then advising BoPRC regarding allocation and water quality limits; however, BoPRC retains full authority over plan development and decision-making.

---

[5] International Association for Public Participation. 2014. *IAP2's Public Participation Spectrum.* Retrieved from www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf (30 June 2017).

The community groups generally comprise 20 to 25 members who are selected through an expression of interest process. Most, but not all, key stakeholders and territorial authorities are represented. While some Māori members were nominated by their iwi, others attend as individuals and do not necessarily represent their iwi or hapū in an official capacity. An honorarium is paid to those members who are not already paid by a parent organisation.

BoPRC considers that community group members have demonstrated they are knowledgeable and quick to get up to speed. Members are willing to meet with BoPRC outside of their own work hours. However, it is noted that being involved in these processes means a lot of work for participants. There is a large volume of information, particularly science, to understand.

Stakeholder views

Questions were raised by stakeholders on how the community can better connect during the collaboration process. Alternatives were suggested in terms of community involvement and the decision-making progress, including online surveys. Agricultural stakeholders we spoke to considered that there is a general sense of mistrust toward BoPRC policies and regulation. They also feel the processes seem slightly rushed and believe they should be allowed more time to come up with a considered decision.

Stakeholders note that several groups are involved in providing advice to BoPRC, including community, co-governance and regional stakeholder advisory groups. Questions were raised concerning the processes of implementing these groups' recommendations, especially if they are not consistent with each other. They say BoPRC needs to be clearer about who makes the decision and how, in order for the public to have faith in the process.

Iwi and hapū views

Hui participants expressed the view that the BoPRC's model of engagement enables discussion and helps present a consensus. They say this is evident in the Kaituna Forum. However, some hui participants were concerned that aspects of the WMA planning processes had predetermined outcomes and BoPRC was merely going through the motions of community engagement. For example, when council staff presented on proposed freshwater management units for group consideration, the hui participants felt that BoPRC had already decided to use the proposals and was attempting to persuade the group rather than seek advice.

Engaging with iwi and hapū

BoPRC created the dedicated Māori Policy Unit to lead its engagement efforts with iwi and hapū. The team is tasked with strategic engagement responsibilities including:

- building and maintaining relationships with Māori
- providing advice to Council and staff on Treaty of Waitangi settlement obligations and implementation
- supporting the development of iwi and hapū management plans
- supporting capacity and capability development among iwi, hapū and Council staff.

Although the team is well resourced, with eight staff and an operating budget of $3 million per year, BoPRC considers that meeting increasing iwi and hapū expectations for involvement will continue to be challenging.

Many regional iwi and hapū are constrained by resource limitations. Requirements in the NPS-FM and in Treaty settlements for BoPRC to involve iwi and hapū in the governance and management of fresh water have greatly increased the demands on iwi and hapū staff. Many struggle to develop the capacity and capability necessary to participate effectively in governance groups, contribute to plan development and review consent applications. Often, a small number of staff are expected to handle a wide range of issues for their iwi or hapū. Furthermore, the small number of Resource Management Act 1991 experts are in high demand throughout the region, making it difficult for iwi to hire outside support.

BoPRC says it has tried to reduce participation burdens by using 'one-stop-shop' conferences to discuss a large range of issues with iwi at once. It is also providing funding and support to iwi to help build capacity at the hapū level and to support the development of iwi or hapū management plans.

Iwi and hapū views

Hui participants we spoke to feel that the Māori Policy and Strategic Engagement Unit at BoPRC does a good job but also that BoPRC has limited knowledge around some issues. They feel it is still necessary for BoPRC to build council staff capability and capacity for engaging with tāngata whenua and to be more consistent with its efforts. However, because mātauranga Māori varies by hapū, it would be a challenge for BoPRC to develop a single policy. They consider that BoPRC should not try to define concepts, such as mauri, which have different meanings for different iwi and hapū.

They also consider it likely that recommendations from Te Maru o Kaituna River Authority (co-governance group) and WMA groups will conflict in some ways. Recognising this issue, participants of both groups have been proactive and have met and discussed issues outside council-facilitated sessions, but the hui participants remain concerned about what will happen if consensus cannot be reached.

Hui participants were adamant that iwi and hapū should not been seen solely as representing cultural and customary concerns but also as groups with economic and community interests. They want to be involved across the whole spectrum of discussion.

Capacity and capability

BoPRC estimates that freshwater planning related to the NPS-FM uses 23 per cent of the annual budget. BoPRC is spending over $1 million per annum towards capacity and capability to deliver the NPS-FM. It has increased its budget allocation to enable two WMA processes to run simultaneously. Rotorua Lakes Plan Change 10 is currently using up a significant amount of BoPRC capacity.

BoPRC expressed the view that access to consultants is difficult because of the small amount of available consultants with relevant expertise that councils can hire from.

Territorial authorities capacity and capability

BoPRC reports that territorial authorities are important stakeholders in NPS-FM implementation. It has a territorial local authority freshwater group that meets bi-monthly to quarterly to discuss NPS-FM implementation. The group includes representatives from Rotorua Lakes Council, Western Bay of Plenty District Council, Tauranga City Council, Whakatāne District Council, Kawerau District Council, Ōpōtiki District Council and BoPRC.

BoPRC reports that the capacity of territorial authorities is stretched. It is difficult for smaller territorial authorities to attend regional meetings, due to the travel time involved. Local territorial authorities have low staff numbers and feel the negative effects of reduced staffing more, even if it is for a short period.

Stakeholder views

Stakeholders noted that the Bay of Plenty is a large and diverse region. Māori, in particular, have a wide range of interests in the region. As a result, it can become very complex to manage resources. Stakeholders acknowledge and appreciate that members of the community are constrained in terms of involving themselves in the collaboration and engagement process. Stakeholders felt that BoPRC has a resourcing issue around freshwater management but note efforts are being made to resolve this.

The capacity of councils and stakeholders is stretched. Some stakeholders expressed the view that discussions with BoPRC were infrequent at times but acknowledged that the Council is not resourced to do everything at once. Stakeholders note that, although this is a complex process, they have had little trouble communicating with BoPRC around the NPS-FM, because the Council is happy to discuss freshwater management.

Iwi and hapū views

Hui participants considered that BoPRC is doing a sufficient job with the capacity and capability that is available. They note that Council staff are under pressure to provide a high volume of information and scientific data.

The Māori Policy and Strategic Engagement Unit was initially left out of the water quantity plan change development. This team was later involved and had to front hui when difficulties arose.

Hui participants felt that a lot of ‘to-ing and fro-ing’ is going on between regional and district councils, which slows down the process and takes up valuable time and resources.

Information

The Bay of Plenty Natural Environment Regional Monitoring Network monitors water quality indicators in more than 80 river and stream sites as well as the 12 Rotorua Te Arawa lakes. The National Institute of Water and Atmospheric Research monitors ecosystem health in an additional seven sites.

BoPRC says that the exponential increase in data required, due to NPS-FM, provides a significant challenge, particularly with respect to how the data is managed and funded.

Stakeholder views

Farmers we spoke to felt that BoPRC often disagrees with farmers in terms of impacts, which could be attributed to a lack of scientific and farming knowledge. This often led to trust issues around scientific results. Stakeholders acknowledged, however, that certain groups would use 'pet scientists' to help convey their message.

Plan implementation

Non-regulatory approaches

BoPRC has placed an increased focus on riparian management, providing financial assistance with fencing, planting and alternative stock water sources. The Regional Water and Land Plan provides for Wetland Management Agreements, which are voluntary agreements between BoPRC and land owners. The agreements promote wetland management and facilitate specified works that are necessary for wetland maintenance and enhancement.

BoPRC reports that its compliance team is working with irrigators and their industries to maintain relationships with important industry groups. Further, work with irrigators led to an amnesty in 2016 for unauthorised irrigators to come forward. Over 200 people came forward with around 140 needing consent.

BoPRC has also invested in fencing waterways, with over 466 kilometres now protected at a cost of $14.5 million, of which $7.2 million is from Council funding. This has resulted in an annual sediment reduction of 26 tonnes.

BoPRC has invested over $17.5 million in community wastewater infrastructure through grants, but its challenges will only increase with future urban growth. This includes housing intensification in areas such as the Tauranga urban area.

Stakeholder views

All stakeholders agreed with the notion that the RMA planning process is a battle of attrition that usually sees the last party standing getting the most beneficial outcome. Stakeholders expressed the view that there are too many regulations at present and questions should be asked if certain regulations are meaningfully adding to people's lives. Good policy and regulation is appreciated, but too much policy and in too much detail puts extra strain on time and resources, according to stakeholders.

Stakeholders agreed that the community wants cleaner water bodies. There are issues around how much people are willing to pay for this. For example, with Plan Change 10, people want a clean lake restored to historic nutrient levels but are undecided about how much they should pay for this.

Conclusion and recommendations

The following are the views of government officials about NPS-FM implementation in the region.

- BoPRC has a strategy to progressively implement the NPS-FM by 2025, and it has assigned significant recourses through its budget to ensure it has the capacity and capability required to meet milestones.
- BoPRC is attempting to address significant immediate water quantity issues through a plan change with a more targeted approach to be developed through the WMA process. This is a pragmatic approach that ensures progress is being made on addressing water quality issues while also allowing for communities to be involved. Plan Change 10, in particular, will attempt to address significant issues in the Rotorua lakes catchment. However, continued effort is to improve other water bodies in the region where objectives not being met.
- Officials acknowledge significant efforts made by BoPRC in engaging with the large number of iwi and hapū in the region. Various pieces of existing Treaty of Waitangi legislation, and upcoming settlement processes, intersect with regional planning to present a complex setting in terms of iwi engagement. The policy framework in the region sets a useful platform upon which strategic engagement with iwi and hapū of the region can yield genuine reflection of tāngata whenua values and interests in freshwater management.
- Substantial efforts are being made to get input from the community and stakeholders in NPS-FM implementation. The process being used by BoPRC allows for many voices to be heard but is complex and will likely consume considerable resources.
- We recognise that BoPRC has chosen not to use collaboration as a means of engagement and is, rather, involving the community (in IAP2 terms) in the Rangitāiki and Kaituna–Maketū and Pongakawa–Waitahanui WMAs. BoPRC says that it chose a collaborative process for the Lake Rotorua Plan Change 10. We also recognise that collaboration is a successful method for engaging multiple stakeholders with multiple problems. This may not be required in every catchment but would encourage BoPRC to consider its approach for the most complex catchments.
- BoPRC engages with multiple groups in some catchments. Concern was expressed that the complexity of interactions between co-governance structures, community groups and iwi engagement can create confusion and misunderstanding. We consider that BoPRC could better outline the process for making final decisions when potentially conflicting recommendations are provided by different groups. There is a risk of duplication in terms of engagement in some catchments or community stakeholders feeling disenfranchised.