Ministry for the Environment
Manatū Mō Te Taiao

Ministry for Primary Industries
Manatū Ahu Matua

National Policy Statement for Freshwater Management Implementation Review

Tasman

New Zealand Government

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Regional overview

The Tasman District covers 9786 square kilometres of the northwestern South Island, extending south from Cape Farewell and Golden Bay through the Motueka and Buller catchments. Land cover consists primarily of native forest (60%), pasture (17%) and exotic forest (9%).[1] Around 70 per cent of the district is protected conservation land, including the Abel Tasman, Kahurangi and Nelson Lakes national parks. Most pasture land and horticulture, as well as most of the population, is found in the Moutere, Aorere and Tākaka valleys.

The district has five major river catchments: the Aorere and Tākaka in the northwest, the Motueka, which features hill country and small townships, the Waimea on the border with Nelson City, and the headwaters of the Buller River, which flows westward to the West Coast (figure 1). Nearly two-thirds of the Tākaka catchment lies within the Kahurangi National Park. The catchment is also home to the famous Te Waikoropupū Springs, the largest cold water spring in the southern hemisphere. The largest lakes in the district are Lake Rotoiti and Lake Rotoroa in Nelson Lakes National Park and Lake Matiri and Lake Stanley in Kahurangi National Park.

The district's diverse topography and precipitation patterns, combined with complex geology, create varied water availability in Tasman. Average annual precipitation ranges from as high as 6000 millimetres in the western conservation lands to as low as 900 millimetres in the central and coastal lowlands.[2] Seasonal availability also varies considerably: marble caves in the Mount Arthur Range store water and provide slow release across the seasons, while fast draining areas like the Moutere gravels in the south are susceptible to summer dries. Water quantity is under significant pressure in some catchments due to population growth and increasing demand for irrigation, particularly in the over allocated lower Waimea catchment. Including both surface water and groundwater, irrigation accounts for the largest volume of consented water takes followed by municipal water supply (figure 2).

Because such a large portion of the district is covered in protected native vegetation, water quality is generally high and most monitored sites are in the A or B bands for most measures of water quality and ecosystem health.[3] Moreover, monitoring indicates water quality is being maintained or improved in most sites. However, quality decreases in lower river reaches and in lowland stream catchments with more intensive agriculture or urban areas. Microbial levels exceed guidelines for safe swimming and other primary recreation in 40 per cent of monitoring sites in intensive agricultural areas. Reduced dissolved oxygen and water clarity and increased sediment deposition, nutrients and water temperature are also issues in these areas. Sedimentation is a problem in the Buller catchment and Moutere hills, largely due to the softer erosion-prone clay soils. Elevated nutrient levels exist in the lower reaches of the Aorere and Tākaka catchments. Elevated nitrogen is an issue for some streams in the Waimea, Motueka and Tākaka plains.

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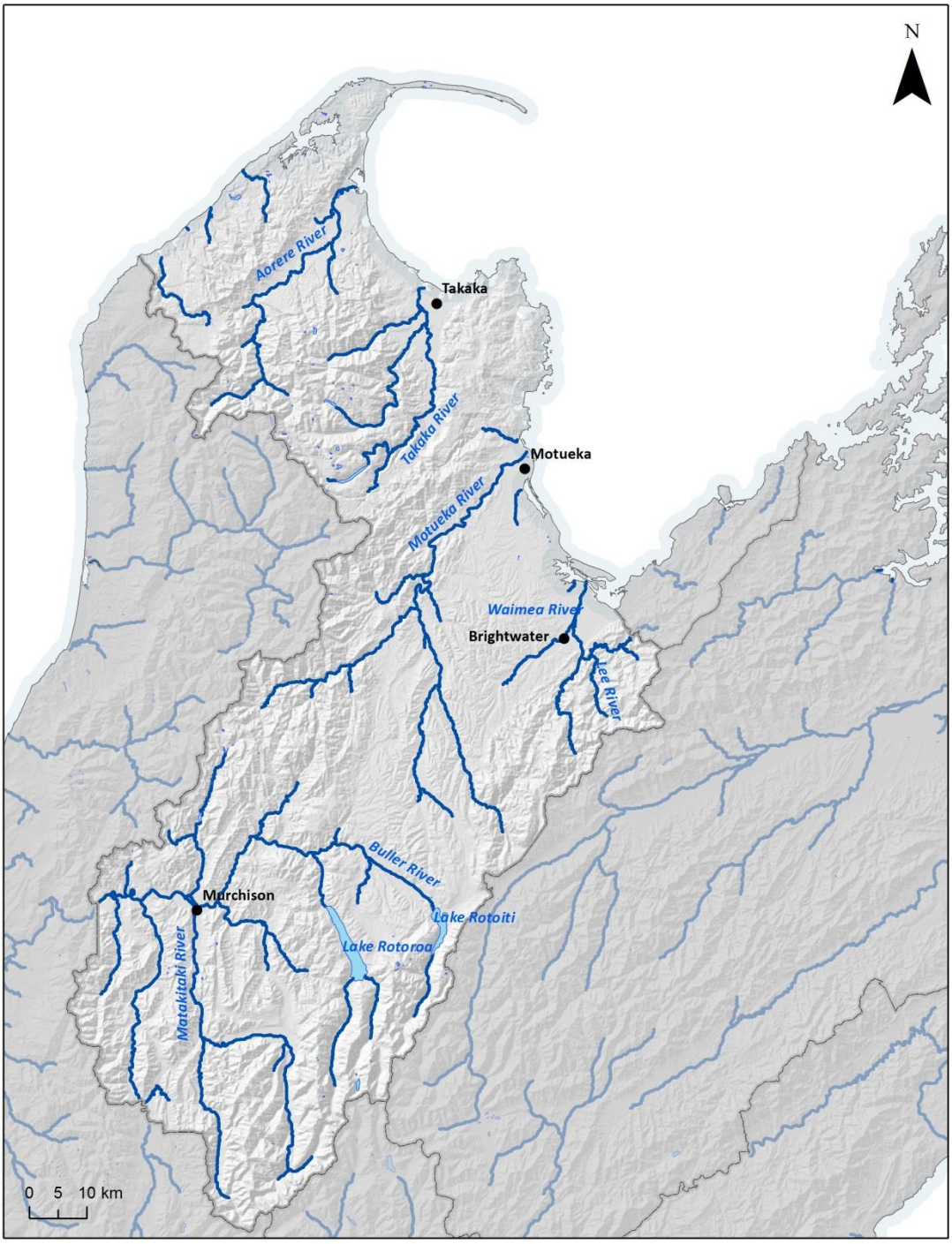
1 James T and McCallum J. 2015. *State of the Environment Report: River Water Quality in the Tasman Region 2015*. Prepared for Tasman District Council. Retrieved from www.tasman.govt.nz/policy/reports/environmental/river-water-quality-reports (30 June 2017).

2 Land, Air, Water Aotearoa. No date. *Tasman region*. Retrieved from www.lawa.org.nz/explore-data/tasman-region/ (30 June 2017).

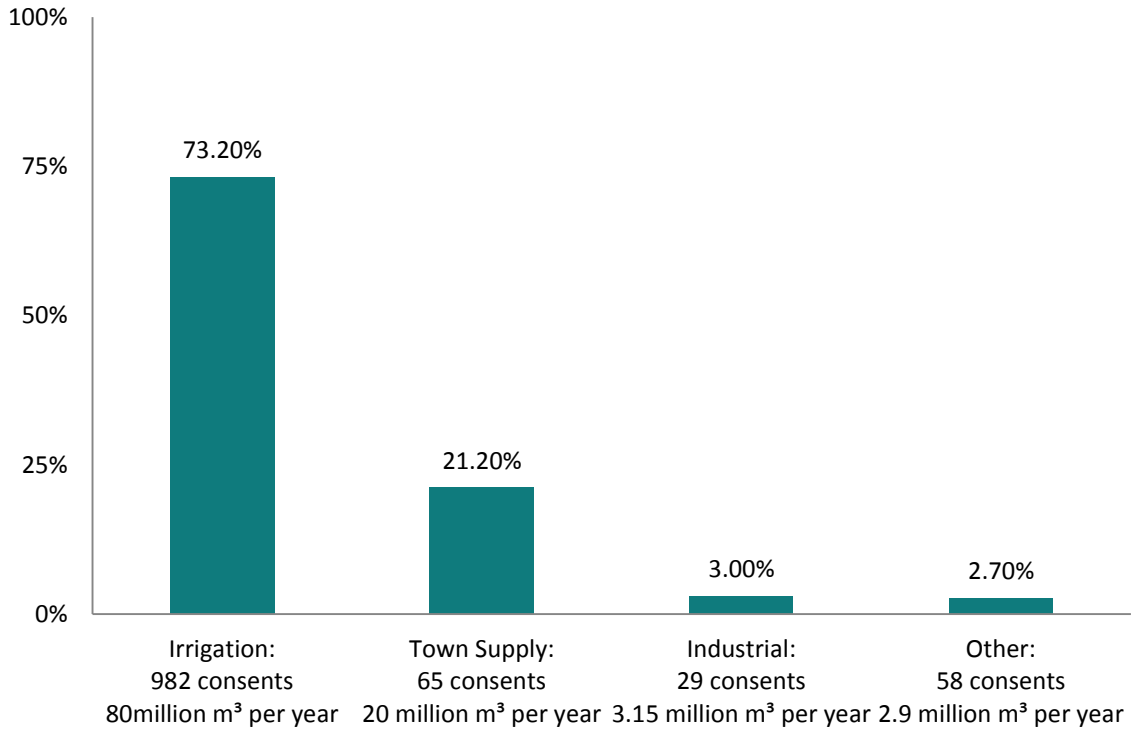
3 James T and McCallum J. 2015. *State of the Environment Report: River Water Quality in the Tasman Region 2015*. Prepared for Tasman District Council. Retrieved from www.tasman.govt.nz/policy/reports/environmental/environmental-monitoring-reports/?path=/EDMS/Public/Other/Environment/EnvironmentalMonitoring/WaterMonitoring (30 June 2017).

Figure 1: Major water bodies in the Tasman region



Source: Ministry for the Environment

Figure 2: Water take consent volumes by primary use in the Tasman region



Source: Land, Air, Water Aotearoa

Review methodology

The information and analysis contained in this report are based on evidence collected from a questionnaire completed by Tasman District Council (TDC), 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 commissioners with more than 30 years of experience in freshwater management.

The review team conducted a series of panel discussions with TDC executives and elected councillors, senior TDC staff and stakeholder 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.

It is important to note that none of the iwi and hapū representatives invited to our review hui attended. We recognise this as a significant limitation of our review. The comments that follow are based, therefore, on evidence gathered through the Ministry's ongoing conversations and relationships with representatives in the area rather than a systematic evidence-gathering process and should be read with that caveat in mind.

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 representatives did not necessarily speak with mandate as official representatives of their organisation nor are they presumed to represent all in their wider communities. They were, however, primary sources with direct experience of TDC'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 TDC or stakeholders in this region have been omitted from this chapter.

Regional context for freshwater management

Existing plan

The Tasman Resource Management Plan (TRMP) is TDC's combined district and regional plan that guides land and water management in the district.[4] The TRMP was first publicly notified as a proposed plan in 1996 and has since been amended many times. All parts of the TRMP (land, coastal marine area, rivers and lakes, water and discharges) are operative but with proposed changes under way.

A recent proposed plan change to the TRMP for the Waimea catchment was notified in September 2016.[5] This proposed plan change provides the regulatory management framework for the Lee Valley Dam, if built.

With allocation of water quantity being the most pressing issue in the region, TDC is looking to address this through National Policy Statement for Freshwater Management (NPS-FM) implementation and the Lee Valley Dam project. TDC says that this project aims to provide a secure water supply to meet the increasing demand for water on the Waimea Plains. The proposal is for the project to deliver the water via aquifers rather than a system of pipes or land-based channels.

Iwi and hapū context

Three groups from the top of the South Island and bottom of the North Island make up the collective group Te Tau Ihu – Tainui Taranaki, Kurahaupō iwi and Ngāi Tahu. The Te Tau Ihu settlement legislation enabled iwi to form the River and Freshwater Advisory Committee for the purpose of advising councils on the management of rivers and fresh water. This applies within Marlborough District Council, Nelson City Council and TDC jurisdictions.

The councils are obliged to 'have regard to' the advice of the advisory committee to the extent that it relates to the management of rivers and fresh water under the Resource Management Act 1991.

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4 Tasman District Council is a unitary authority that combines the functions of both a territorial and regional authority.

5 Plan Change 63: Waimea Water Transition Management.

Approach to implementing the NPS-FM

Progressive implementation programme

TDC's implementation of the NPS-FM is scheduled to be completed by 2028. Implementation steps involve establishing non-point source discharge allocation limits by 2018 and urban catchment management plans by 2020.

TDC has undertaken several plan changes related to NPS-FM requirements. In 2012, a review was launched to help improve guidance on activities contributing to land disturbance. The review is set to be completed by 2017. A contamination discharge rule review will also be carried out in 2017 for completion in 2019. The protection of the significant values of wetlands as well as resource investigation, data allocation and catchment analysis is to be completed by 2022.

TDC has established collaborative fresh water and land advisory groups (FLAGs) of stakeholder representatives to consider objectives and limits in the Waimea and Tākaka catchments. Their recommendations will be developed into plan changes in 2017 and 2021.

Priorities

TDC says that a better understanding of local water bodies, and the challenges around managing them, has helped shape NPS-FM implementation priorities. TDC established five surface water management zones based primarily around the Waimea, Motueka, Tākaka, Aorere and Buller catchments. In addition, the Tākaka, Moutere and Waimea confined aquifers make up the groundwater management zones. Tākaka was prioritised, due to its national significance in relation to the Te Waikoropupū Springs. Waimea is being prioritised, due to its chronic over allocation.

TDC says that the desire to protect the significant values of wetlands has helped prioritise catchments. This work started in Golden Bay (Tākaka catchment) in 2017, Motueka in 2019 and Waimea in 2021. Wetland maps and information will be sent to affected land owners. Plan change processes around this are expected to be established in 2022.

NPS-FM progress in major catchments

TĀKAKA

The Tākaka FLAG was established in 2014 and directed to develop water quantity and quality management provisions for the catchment.

The FLAG group has identified its main freshwater values and developed draft management objectives. The FLAG sought feedback on these objectives from the public and stakeholders to ensure it had captured a representative view on behalf of the community.

This framework will guide the development of water quantity and quality management provisions. The FLAG is aiming to make its recommendations to TDC in the fourth quarter of 2017.

MOTUEKA

Although the freshwater management unit is not yet formally established under the NPS-FM, a collaborative governance group from the community will be asked to make recommendations for how the catchment will be managed in 2019.

WAIMEA

The Waimea FLAG consists of 11 members who were selected in the same manner as the Tākaka FLAG. Recommendations and a plan change will be completed by 2021.

Achieving the objectives of the NPS-FM

Values and objectives

TDC says that the community has high expectations concerning fresh water, but it feels that the community does not fully understand the costs of achieving these expectations. TDC considers that using collaborative groups is useful for identifying values for water bodies, but it is concerned that it is a lengthy process due to the number of views that need to be integrated.

TDC says that the district's unique geology, topography and rainfall patterns greatly affect catchment flow regimes and, therefore, values. TDC says that community acceptance of these impacts is variable. Communicating the science to the community can be challenging and, as a result, buy-in to the process is difficult to achieve.

Limit setting and allocation

TDC intends to calculate load limits for some water quality parameters within catchments. However, it says that extensive challenges exist around setting both groundwater and surface quality limits. Although TDC is monitoring contaminant levels, at present, it has not set load limits for contaminants.

For water quantity limits, TDC's default allocation regime refers to a percentage of the five-year, seven-day low flow, which it says provides for a high level of protection for the river. At present, it says that the Waimea catchment is chronically over allocated. One option being considered to address over allocation is storage, as well as a third generation plan change to retune the allocation regime in the Waimea catchment.

Stakeholder views

Stakeholders we spoke to questioned whether community values and rivers are being protected adequately and whether TDC will set suitable water quality limits. One sector group representative was highly critical of TDC, which they believed was not being transparent about its planning processes or engaging effectively with the different industries.

Community engagement

Engagement is currently focused around the FLAG groups in the Tākaka and Waimea catchments. These groups are charged with making recommendations to TDC on how to manage and allocate water quality and quantity in their catchments, including developing draft policies and rules to be added to the regional plan. Although the groups have no direct decision-making power, TDC staff consider that there is an implicit social contract where TDC will accept FLAG recommendations.

FLAG members were nominated by iwi, sectors and the community and selected by TDC according to their knowledge of the issues, relevant interests, geographic representation and ability to work constructively in collaboration. TDC says that the FLAGs were designed to have diverse representation and include people with expertise in the primary sectors, environmental and resource management, recreation, energy generation and mātauranga Māori. However, members are directed to represent the community at large rather than any one sector. With support from TDC, the FLAGs are also intended to lead engagement back to the wider community.

The FLAGs have required significant time and resource commitment from both TDC and group members to work effectively; however, the increased front-end engagement through FLAG processes is intended to reduce litigation by involving primary industry groups in plan development.

Elected councillors are supportive of the FLAG process. However, TDC staff say it is a challenge to convince some councillors of the value, especially when that value is intangible and the costs are high. Some councillors would prefer a 'decide and defend' approach. As such, TDC staff note that it is important to keep councillors informed on FLAG processes.

Stakeholder views

Stakeholder representatives emphasised the importance of staying engaged – even though they felt a lot of time spent on water issues did not produce tangible results. They see their involvement in the process as essential to maintaining a right to speak on the issues.

Engaging with iwi

TDC says that it works hard to maintain good relationships with all iwi and hapū in the region. There are currently no designated iwi liaison staff at TDC, but TDC staff report they have built good working relationships with individual iwi over time. Each FLAG has an iwi liaison member, nominated by the relevant iwi or hapū, as a placeholder for iwi engagement expectations in the future.

Giving effect to Part D of the NPS-FM is a significant challenge, according to TDC. Iwi have high aspirational goals for fresh water, particularly with regard to mahinga kai and swimming. However, iwi representatives are stretched with their consent workload. With respect to Te Mana o te Wai, TDC is trying to make progress in Tākaka and Waimea before setting up a full framework for other catchments.

Capacity and capability for freshwater planning

Council capacity and capability

TDC expressed the view that, while it has several highly experienced and accomplished staff, its limited resourcing allows for little increase in staff numbers. Other work has had to be deferred and work streams reorganised to keep up with NPS-FM implementation. TDC considers that its constrained resources will make it challenging to have the NPS-FM fully implemented by 2028 as stated in its progressive implementation programme.

Community capacity and capability

TDC says that the time, money and resources of community groups are stretched. There is a significant amount of information for members to consider. Some regional industry representatives do not have the resources to be a part of all FLAGs, namely Tākaka due to its location. There is also a large collective workload across all TDC initiatives, including biodiversity.

According to TDC, FLAG members are very capable, but it can be challenging to bring all members fully up to speed around policy, legislation and, in particular, science (for example, the meanings of different water attribute levels outlined in the National Objectives Framework in appendix 2 of the NPS-FM). TDC says that FLAGs will never have a total understanding of all the information, but it is still a good process that TDC has faith in.

Stakeholder views

Stakeholders believe that capacity and capability challenges exist for TDC around NPS-FM implementation. Stakeholders noted that the Waimea FLAG process ground to a halt at one stage due to a lack of TDC capacity. A repeat of such occurrences would provide added pressure in achieving full NPS-FM implementation by 2025.

Capacity is also a significant burden for stakeholders, particularly those participating in the FLAGs. As a result, groups and sectors involved in the collaboration process need to think carefully about prioritising commitments. These impacts are felt by all but are exacerbated for those who are in remote areas, such as Tākaka.

Information

Monitoring exists in freshwater management units, but TDC is not entirely sure whether it is sufficiently representative given the complex regional geology and topography. There were previously 58 monitoring sites in the region, but only around half are currently monitored to allow TDC to focus efforts and achieve the required sampling frequency. Although there are fewer sites, TDC feels trend detection is now better. TDC expects the monitoring programme will be shaped in response to FLAG processes as they evolve.

TDC notes that there is not a lot of data around impacts of sediment loads. There was a lack of guidance around how this is actually done, according to TDC. To address this gap, TDC recently co-funded a project with the Ministry for the Environment to research the effectiveness of measures around erosion and sediment control in New Zealand (completed in August 2016). TDC says that the research had many useful findings, with research suggesting livestock removal from riparian areas improves bank stability, and the effects of riparian planting are likely to be observable in the long term. Research also suggested that, for bank erosion mitigation to be effective, a deeper understanding of bank erosion processes is needed to guide which riparian intervention measures may be most effective in different parts of a catchment.

TDC has concerns around freshwater accounting and is unsure how comprehensive an accounting system needs to be to ensure compliance.

For the nearly 1400 Tasman resource consents to take water, about 800 are metered and supply weekly returns to TDC.[6] Stakeholders would like more data to be made available around water use, availability and consent breaches.

Stakeholder views

Stakeholders noted that TDC staff members are willing to talk one on one about concerns around water; however, they feel less confident that their concerns are taken on board or have influence in decisions. For example, they say the 'gumboots and eyeballs' method of identifying freshwater problems is very useful but not taken seriously by councils, due to a lack of numerical data.

Stakeholders we spoke to commended TDC on its *Our Waters in Common* project, a film that explores the state of Tasman's environment, the issues it faces and how communities and agencies are working together to improve them. They say it has raised community awareness and helped inform public discussion. Stakeholders felt this is a novel approach and an improvement on publishing dense reports that would otherwise receive little attention.

[6] At the time of the research in 2016.

Plan implementation

TDC says that the community has high water quality expectations, especially in urban areas. Establishing and understanding a hierarchy of needs and mandating investment (for community needs) has proven difficult, as well as the ability to raise capital to help implement the NPS-FM. TDC says that greater community interest and involvement in freshwater management has been an obvious benefit following the establishment of the FLAGs. It hopes that this involvement will translate to a smoother implementation process.

TDC has undertaken several projects towards achieving freshwater outcomes, particularly around erosion and sediment control. Controlling these factors is important for mitigating the detrimental impacts of sediment on waterways.

Non-regulatory work programmes

TDC is using a riparian land management strategy as a non-regulatory approach to improve water quality. The purpose of the strategy is to:

- identify the priority actions for TDC to enhance water quality, habitat values and public access through improved riparian management
- outline where further investigation and consultation is required to provide guidance on the management needs of riparian areas in the Tasman District.

TDC says that this strategy aims to improve water quality, aquatic and terrestrial habitat, and public access by getting action on the ground to achieve real benefits. It takes a non-regulatory approach. It is a policy document to guide the actions of TDC and other parties to implement the relevant objectives, policies and methods contained in the TRMP. Good management practices and technical efficiency standards are also being developed.

Stakeholder views

Stakeholders we spoke to were pleased with how TDC has approached riparian fencing management, as detailed above.

Conclusion and recommendations

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

- TDC has taken a collaborative approach to NPS-FM engagement through its FLAG groups. There seems to be buy-in at a political level, and stakeholders we spoke to were largely complementary of the process.
- It is important that TDC respects any consensus reached by these groups for these processes to be a success.
- It appears that at least one FLAG (Waimea) has stalled due to capacity issues, as well as challenging technical considerations.
- TDC's enhanced engagement has proven to be a resource-hungry exercise for all involved. TDC needs to be efficient with its resources, and those of its community, in order to implement the NPS-FM within required timeframes.
- TDC has good initiatives under way on the ground, including the riparian land management strategy.
- The NPS-FM requires councils to set limits, and these need to be part of a package alongside non-regulatory methods to achieve outcomes.
- The *Our Waters in Common* project was singled out as a novel approach to community engagement.