



Agenda for Workshop No. SG17/09

'Freshwater for Life – western Bay perspectives'

SmartGrowth Leadership Group

The SmartGrowth Leadership Group will meet in the

Bay of Plenty Regional Council, Mauao Room

1st Ave, Tauranga

on

Friday, 29 September 2017

at 9:00am

G Poole
Chief Executive
Tauranga City Council – Administering Authority



SmartGrowth Leadership Group

Committee Members

Independent Chairperson:	Bill Wasley
Bay of Plenty Regional Council:	Chair Cr Doug Leeder Cr Jane Nees Cr Paula Thompson Cr Stuart Crosby Cr Andrew von Dadelszen (Alternate)
Tauranga City Council:	Mayor Greg Brownless Cr Larry Baldock Cr Leanne Brown Cr Terry Molloy Deputy Mayor Kelvin Clout (Alternate)
Western Bay of Plenty District Council:	Mayor Garry Webber Cr Mike Williams Cr Don Thwaites Cr John Scrimgeour Cr Margaret Murray-Benge (Alternate)
Tangata Whenua Representatives:	Maru Tapsell Irene Walker Buddy Mikaere Puhirake Ihaka Verna Ohia-Gate (Alternate)
NZ Transport Agency	Parekawhia McLean
Bay of Plenty District Health Board	Ron Scott
Quorum:	9
Meeting Frequency:	At least bi-monthly

Role

Pursuant to Clause 30 Schedule 7 of Government Act 2002, a joint Committee of Tauranga City Council, Western Bay of Plenty District Council and Bay of Plenty Regional Council shall be retained to implement the SmartGrowth Strategy and Implementation Plan.

Membership

- That representation be comprised of four elected member representatives as appointed by the contributing authorities, including the Mayors and Regional Council Chairperson, and four representatives be nominated by tangata whenua.

- That an Independent Chairperson, to be appointed by the Committee, chairs the Committee; and the appointment of a Deputy Chair from the committee membership.
- That the standing membership is limited to seventeen members, but with the power to co-opt up to a maximum of three additional non-voting members, where required, to ensure the effective implementation of any part, or parts, of the Strategy.
- That NZTA be represented through its Regional Director as an observer with speaking rights but in a non-voting capacity.

Purpose

That the joint SmartGrowth Implementation Committee be the delegated authority to implement the SmartGrowth Strategy and Implementation Plan in accordance with the following functions:

Implementation

- Overseeing the implementation of the 2013 SmartGrowth Strategy updates, in particular the strategic actions.
- Ensuring organisation systems and resources support the strategy implementation.
- Taking responsibility for progress of those actions specifically allocated to the “SmartGrowth Leadership Group” in the strategy, and making sure the implementation does occur.
- Monitoring and reporting progress against milestones and budget.
- Overseeing the management of the risks identified in implementation.
- Approving an annual implementation plan with a 3 year horizon.

Ongoing Tasks

- Champion integration and implementation through partner strategies, programmes, plans and policy instruments (including the Regional Policy Statement, Regional and District Plans, Long Term Plans (LTP's), Annual Plans, transport plans and triennial agreements), and through partnerships with other sectors such as health, education and business.
- Approving submissions to Local Authorities, Central Government, and other agencies on SmartGrowth related matters.
- Reviewing and recommending adjustments to the strategy if circumstances change.
- Identifying and resolving any consultation inconsistencies between the SmartGrowth strategies and subsequent public consultation processes of the partner councils.

Consultation / Partner Forums

- Facilitating consultation with the community.
- Establishing and maintaining the SmartGrowth Partner Forums.
- Agreeing any memorandum of agreements between SLG and any forums.

Committee Operations

- Selecting and appointing an Independent Chairperson and a Deputy Chairperson.
- Implementing a Memorandum of Agreement, as adopted by the Committee for each triennial period, to provide and maintain partnerships and provide for the resolution of any conflict.
- Establish protocols to ensure that implementation, where necessary, is consistent, collaborative, and / or coordinated to achieve optimal outcomes



Agenda for Workshop No. SG17/09

‘Freshwater for Life – western Bay perspectives’

SmartGrowth Leadership Group

Friday 29 September 2017

9:00am

Bay of Plenty Regional Council, Mauao Room

1st Ave, Tauranga

Apologies

Business

Opening of Workshop and Welcome: Introductions - Chair Bill Wasley

Round table discussion on burning questions based on current landscape

1. Introduction and Background - **Chairman Douglas Leeder & Ian Morton - (Paper A)**
Talk through some of the challenges & what is happening at a national level
2. National Perspective **(Paper B)**
3. Long Term Plan 2018/28 - How Bay of Plenty Regional Council are positioned **(Paper C)**
Appendix 1 (LTP Image)
4. Presentation – LGNZ Conference – **Councillor Stuart Crosby**
5. Policy and Legislation focus - **Namouta Poutasi (Paper D)**
Understanding: National policy context and approach in Bay of Plenty
6. Key Changes to National Policy Statement for Freshwater Management - **Namouta Poutasi (Paper E)**
7. Understanding: Changes to National Policy Statement for Freshwater Management

8. Science Understanding – **Rob Donald (Paper F)**
Understanding: What do we know about our Freshwater - Bay of Plenty
9. Swimmability – **Ian Morton (Paper G)**
Understanding: Current Swimming Bay of Plenty
10. Collaboration Bay of Plenty - Havelock North – **Ian Morton/Kelvin Hill/Steve Burton (Paper H)**
Appendix 2 and 3
11. Understand: Approach to address in Bay of Plenty
12. Presentation - Tauranga City Council / western Bay of Plenty Collaboration - **Kelvin Hill/Steve Burton (Paper I)**
13. Understand: Collaboration opportunities
14. Presentation - DIA - 3 Waters - **Kelvin Hill/Steve Burton (Paper J)**
Understand: What is being asked for and when. Covering infrastructure provision / implications including affordability issues and timing.
15. Māori Policy Changes – **Clarke Koopu/Namouta Poutasi (Paper K)**
Understanding: Changes to National Policy Statement for Freshwater Management (Te Mana o Te Wai) / RMA (Te Mana Whakahono) and implications for Bay of Plenty Regional Council and Territorial Local Authorities
Ministry Forum Environment Factsheet
Fact Sheet changes

Facilitated Session – Questions raised at beginning of workshop

Workshop Close

WORKSHOP PAPER



To: Smartgrowth Leadership Group

29 September 2017

From: Ian Morton

Science and Strategy Manager

Date: 14 September 2017

Subject: 'Freshwater for Life' - Introduction and Background

1. Introduction

BOPRC have been delivering against Freshwater initiatives since the early 1990's, with a range of projects including our Rotorua Lakes water quality improvement project, Tauranga harbour programme and our Sustainable Land Use Incentives (SLUI) project. The work we have already carried out in the Bay, means that we do not have the same issues faced throughout NZ, however there are real challenges we are facing in relation to fresh water, these include overallocation of freshwater and steady decline of freshwater quality in specific waterbodies.

In 2012 the Ministry for the Environment (MFE) released it's National Policy Statement for Freshwater Management (NPSFM) and at that time BOPRC set up a programme of work to help support delivery of NPSFM and to ensure connectedness across our organisation for all things relating to Freshwater. In 2014 MFE identified changes to NPSFM, and recently in 2017 additional changes to NPSFM were gazetted. BOPRCs approach to delivery of NPSFM has not changed significantly since 2012, although we have learnt lessons from existing programmes (Rotorua Lakes Programme) and other councils as we have progressed.

Freshwater is very topical at a National Level, be it swimmability of rivers, water taxation, iwi rights and interest or water bottling. Throughout the general election campaign all parties have identified policies in the lead up to the general election on the 23 September 2017. Outside the political debate, there have been a number of players involved in the freshwater space, including industry, non governmental organisations, regional councils, district councils, iwi leaders and the ministries. A brief on the range of national projects will be provided to the smartgrowth leaders group on the 29 September.

2. Background

A large number of decisions have been tabled through the BOPRC RDD committee in the last triennium in relation to Freshwater, in addition to workshops attended, some of the key decisions included:

- Approved implementation of the NPSFM in time limited stages across nine Water Management Areas.
 - Approved staff to set up a Region Water Advisory Panel (consists of key industry stakeholders and NGO's) to provide advice and recommendations to council.
 - Agreed to commence catchment based delivery of NPSFM in Rangitāiki and Kaituna/Maketū and Pongakawa Water Management Areas.
 - Agreed appropriate collaboration approach for engaging our communities. Genuine early involvement while Council retains decision making.
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- Endorse “maintain” as a start for planning in water management areas.
- Approved community group terms of reference and selection process.
- Approved principles for value setting and Freshwater Management Units for further discussion during community group, iwi and hapū engagement.
- Approved adoption of Plan change 9 (Region Wide Water Quantity Plan Change).
- Agreed to update Tangata whenua involvement plan to include engagement in parallel with community groups.
- Approved additional resources for policy, science and modelling to support the Freshwater Futures programme.

In the current triennium BOPRC have made the following key decisions, these include:-

- Plan Change 9 (Region Wide Water Quantity Plan Change)

8 Jun 2016	Regional Direction & Delivery (RDD)	Preparation of the Proposed Region-wide Water Quantity Plan Change report received.
Aug 2016	Regional Direction & Delivery (RDD)	Adoption of Region-wide Water Quantity Proposed Plan Change 9 to the Operative Bay of Plenty Regional Water and Land Plan report received.
June 2017	Regional Direction & Delivery (RDD)	Approved the hearing commissioners and hearing detailed for Plan Change 9.

- Plan Change 12 (Limit setting in Rangitāiki and Kaituna/Maketū and Pongakawa Water Management Areas)

May 2015	Regional Direction & Delivery (RDD)	Endorsed the use of the ‘protect what we have’/ ‘maintain’ approach as a start point for planning in the water management areas.
Dec 2015	Regional Direction & Delivery (RDD)	Adopted the revised Bay of Plenty Regional Council Implementation Programme for the National Policy Statement for Freshwater Management 2014.
Mar 2016	Regional Direction & Delivery (RDD)	Approved the draft principles for values setting for further discussion during community group, iwi/hapū and other engagement, as outlined in the March 2016 report.
23 Jun 2016	Regional Direction & Delivery (RDD)	Noted progress made on value setting and identification of Freshwater Management Units and upcoming engagement on these.
May 2017	Regional Direction & Delivery (RDD)	Notes progress towards setting objectives for FMUs.

- Plan Change 10 (Rotorua Lakes Nutrient Limits)


Date	Meeting	Decision / Direction
December 2015	Regional Direction & Delivery (RDD)	Approved notifying Proposed Plan Change 10.
March 2016	Regional Direction & Delivery (RDD)	Approved the panel for hearing Plan Change 10.
August 2017	Regional Direction & Delivery (RDD)	Endorsed as decisions of Council the recommendations of the Plan Change 10 Hearings Panel.

Over the next 10 years as we progress implementation of NPSFM, key decisions will regularly be tabled with BOPRC councillors.

It should be noted, BOPRC may need to consider an additional Water Management Area for offshore islands, this will be brought back to RDD for further discussion.

3. Critical Freshwater Issues for BOP

A list of critical issues we face are noted below :-

Environment	<ul style="list-style-type: none"> Increased pressure on resources Need to improve some land use practices Decline in water quality - specific waterbodies Climate change Already over allocated in some areas 	
Community	<ul style="list-style-type: none"> Varying expectations Treaty / Māori interests Changing demographics – urban & rural Loss of kai Who funds improvements Economic growth 	
Legislative	<ul style="list-style-type: none"> Lack of data Legislative timeframes to meet Provide more clarity on existing rules Costly exercise to deliver 	

Ian Morton
Science and Strategy Manager

WORKSHOP PAPER



To: Smartgrowth Leadership Group

29 September 2017

From: Ian Morton

Science and Strategy Manager

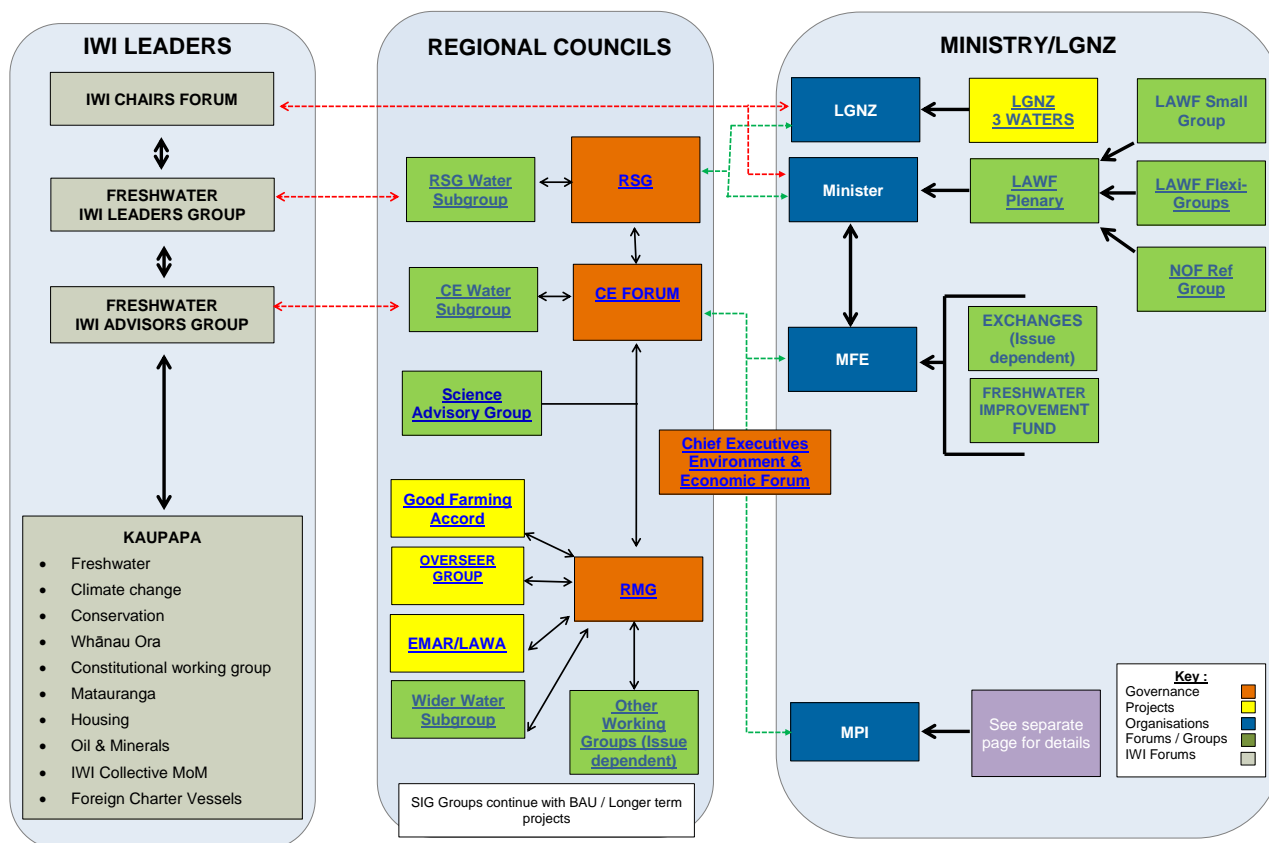
Date: 14 September 2017

Subject: 'Freshwater for Life' - National Perspective

1. National Discussions - Freshwater

In recent years Freshwater has been a key focus across New Zealand, and with the introduction of the NPSFM in 2012 some key projects have been initiated across NZ. The key players involved in this include :-

WATER NATIONAL PROJECTS / GROUPS



1.1. LAWF (Land and Water Forum)

The LAWF bring together a range of industry groups, environmental and recreational NGO's, iwi, scientists and other organisations with a stake freshwater management. The group is made up of approximately 67 organisations.

The purpose of LAWF is to develop shared vision and a common direction for freshwater management in New Zealand and provide advice to the Government through a stakeholder-led

collaborative process. To date this has involved the development of four reports with over 200 recommendations covering: the development of a national framework; providing recommendations regarding the need for integrated decision-making in catchments and continuous improvement of management practices to improve water quality and clearer rights to take and use water within set limits. The most recent report focused on how to maximise the economic benefits of freshwater while managing within water quality and quantity limits that are set consistent with the National Policy Statement on Freshwater Management 2014 (NPS-FM).

Future forum work includes the further population of the National Objectives Framework and comment on the overall implementation of the NPS-FM. By December 2017 the Forum will review the overall changes to water policy and its implementation, lessons learned and further work required to achieve the overall purpose.

1.2. Good Farming Accord

A group consisting of MFE, regional sector and primary sectors has been formed in order to develop an approach to accelerate the uptake of good farming practices. An Action Plan to show how increased uptake and reporting of good practice will be achieved is currently being finalised. Industry groups including Beef and Lamb; Federated Farmers; Horticulture NZ; Dairy NZ and Irrigation NZ are supporting this initiative.

1.3. Overseer Group

OVERSEER models the flow of nutrients on a farm, and produces nutrient budgets. Across New Zealand some Regional Councils have adopted a rules framework that requires land owners to provide nutrient budgets using the overseer model (e.g. Rotorua Lakes Nutrient Rules).

OVERSEER is used by farmers to determine how efficiently nutrients are being used on farm (limit fertiliser application) and to help determine what is needed to maintain soil fertility.

Regional Councils recognise that the OVERSEER model is key to understand the flow of nutrients from farms, and a small group of Regional Council representatives have been pulled together to engage with the owners of OVERSEER to ensure any developments will support our rules regime going forward.

1.4. EMAR (Environmental Monitoring and Reporting) / LAWA (Land Air Water Aotearoa)

The Environmental Monitoring and Reporting (EMaR) Project exploring the standardisation of methods and sharing of data collection, management and exchange protocols to allow national scale interpretation of regional data. The end goal of the EMaR Project is to have environmental data collected by regional councils more widely available through Land, Air, Water Aotearoa (LAWA).

Land, Air, Water Aotearoa (LAWA) has been established by like-minded organisations with a view to helping local communities find the balance between using natural resources and maintaining their quality and availability.

Initially collaboration between New Zealand's 16 regional councils and unitary authorities, LAWA is now a partnership between the councils, Cawthron Institute, Ministry for the Environment and Massey University and has been supported by the Tindall Foundation.

1.5. Other projects

In addition to the projects captured above, various issues / reports have come out which will influence the way we manage freshwater in BOP, these include :-

- Havelock North Incident
- Updated Urban design requirements
- Department of Internal Affairs – 3 Waters Review

These will be discussed in more detail in subsequent parts of the workshop.

Ian Morton
Science and Strategy Manager

WORKSHOP PAPER



To: Smartgrowth Leadership Group

29 September 2017

From: Ian Morton

Science and Strategy Manager

Date: 14 September 2017

Subject: 'Freshwater for Life' Outcome for BOPRC and National considerations

1. How are BOPRC placed to respond to the challenges

Through the recent Long Term Plan 2018-2028 discussions, councillors agreed upon a set of outcomes, strategic issues and captured the way we will work to deliver against these outcomes. See extract below:-



Note: An A4 Copy of this diagram is contained in Appendix 1.

Within this workshop we are focussing on the 'Freshwater For Life' outcome. The five objectives which support this outcome are as follows :-

1. Good decision making is supported through improving knowledge of our water resources.
2. We listen to our communities and consider their values and priorities in our regional plans.
3. We collaborate with others to maintain and improve our water resource for future generations.
4. We deliver solutions to local problems to improve water quality and manage quantity.
5. We recognise and provide for Te Mana o Te Wai (intrinsic value of water).

Thriving together - mō te taiao, mō ngā tāngata

The way we work

We provide great customer service

We honour our obligations to Māori

We deliver value to our ratepayers and our customers

We continually seek opportunities to innovate and improve

We look to partnerships for best outcomes

We use robust information, science and technology

Strategic challenges

Different priorities and issues across the region

The implications of changing climate

Limitations of our natural resources

Sustaining development across the region

An increasingly complex operating environment

Ensuring Māori participation in council decision making

Balancing the expectations of both national and local partners

A healthy environment

We will maintain and enhance our air, land, freshwater, geothermal, coastal resources and biodiversity for all those who live, work and play within our region. We support others to do the same.

1. We develop and implement regional plans and policy to protect our natural environment.
2. We manage our natural resources effectively through regulation, education and action.
3. We work cohesively with volunteers and others, to sustainably manage and improve our natural resources.
4. Our environmental monitoring is transparently communicated to our communities.

Freshwater for life

Our water and land management practices maintain and improve the quality and quantity of the region's fresh water resources.

1. Good decision making is supported through improving knowledge of our water resources.
2. We listen to our communities and consider their values and priorities in our regional plans.
3. We collaborate with others to maintain and improve our water resource for future generations.
4. We deliver solutions to local problems to improve water quality and manage quantity.
5. We recognise and provide for Te Mana o Te Wai (intrinsic value of water).

Safe and resilient communities

Our planning and infrastructure supports resilience to natural hazards so that our communities' safety is maintained and improved.

1. We provide systems and information to increase understanding of natural hazard risks and climate change impacts.
2. We support community safety through flood protection and navigation safety.
3. We work with our partners to develop plans and policies, and we lead and enable our communities to respond and recover from an emergency.
4. We work with communities and others to consider long term views of natural hazard risks through our regional plans and policies.

A vibrant region

We work with our partners and communities to achieve integrated planning and good decision-making. We support economic development, understanding the Bay of Plenty region and how we can best add value.

1. We lead regional transport strategy and system planning, working with others to deliver a safe and reliable public transport system.
2. We contribute to delivering integrated planning and growth management strategies especially for sustainable urban management.
3. We work with and connect the right people to create a prosperous region and economy.
4. We invest appropriately in infrastructure to support sustainable development.

Our values

Trust

Integrity

Courage

Manaakitanga

Kotahitanga

Whanaungatanga

The strategic issues noted within the LTP2018 – 2028 are particularly relevant for the ‘Freshwater for Life’ outcome, we have captured below our approach to address these issues.

Strategic Challenge	Approach to Address Issues
Different priorities and issues across the region	<ul style="list-style-type: none"> • Set up Water Management areas across the region, align with TLA boundaries and iwi treaty boundaries (where possible) • Provide relevant support where required (e.g. TCC Environment strategy) • Recognise differences across region – increased urban development in Western Bay; potential for increased opportunities in eastern bay
The implications of changing climate	<ul style="list-style-type: none"> • Incorporating climate change predictions into our modelling / scenarios and we will continue to use this to support decision making. • Increasing understanding of climate change impacts on biodiversity, hydrology, natural hazard environment, and biophysical conditions for the Bay of Plenty • Use of best practice guidelines to inform infrastructure and planning decisions • Communication of climate change projections and adaptation strategies (coastal, infrastructure, water management)
Limitations of our natural resources	<ul style="list-style-type: none"> • We recognise limitations of our natural resources and as a result we have targeted our approach to water management accordingly. • Plan Change 9 (Region wide Water Quantity Plan Change) • Plan Change 10 (Lake Rotorua Nutrient Management) • Adopted progressing local limit setting for water quality and quantity (Plan Change 12), based on potential risks associated with Land Use Change
Sustaining development across the region	<ul style="list-style-type: none"> • As we progress limit setting through NPSFM we will be ensuring economic / social aspects are taken into consideration. • As part of the Regional Growth Study – a water opportunities / barriers project is underway, which will feed into our NPSFM limit setting.
An increasingly complex operating	<ul style="list-style-type: none"> • Key councillors are engaged with the national

Strategic Challenge	Approach to Address Issues
environment	<p>debate, Chairman Leeder, Councillor Crosbie, Councillor Nees and Councillor Thompson. This enables us to influence and get early heads up on current national thinking and direction</p> <ul style="list-style-type: none"> • In addition key staff are engaged in national projects, again to influence and identify key concerns. • We have set up a Freshwater Futures Programme, which is agile and responsive to change
Ensuring Māori participation in council decision making	<ul style="list-style-type: none"> • BOPRC have 3 Maori councillors at the decision table and set up Komiti Māori • Māori policy team in place to provide strategic advice on engagement • New introduction on Te Mana Whakahono – define engagement requirements with iwi • Co-Governance forums
Balancing the expectations of both national and local partners	<ul style="list-style-type: none"> • BOPRC have set up a Regional Water Advisory Panel (RWAP) in order to get input at a national level, however ensure this does not detract from a local discussion on limit setting – under NPSFM.

Although there are significant issues highlighted, which will impact our ability to deliver against the 'Freshwater for Life' outcome, staff believe we have good structures in place to be able to adapt within this changing environment. As additional information becomes available we will continue to come back to BOPRC council to seek advice on options to allow staff to proceed with delivery.

Ian Morton
Science and Strategy Manager

WORKSHOP PAPER



To: Smartgrowth Leadership Group

29 September 2017

From: Namouta Poutasi
Water Policy Manager

Date: 14 September 2017

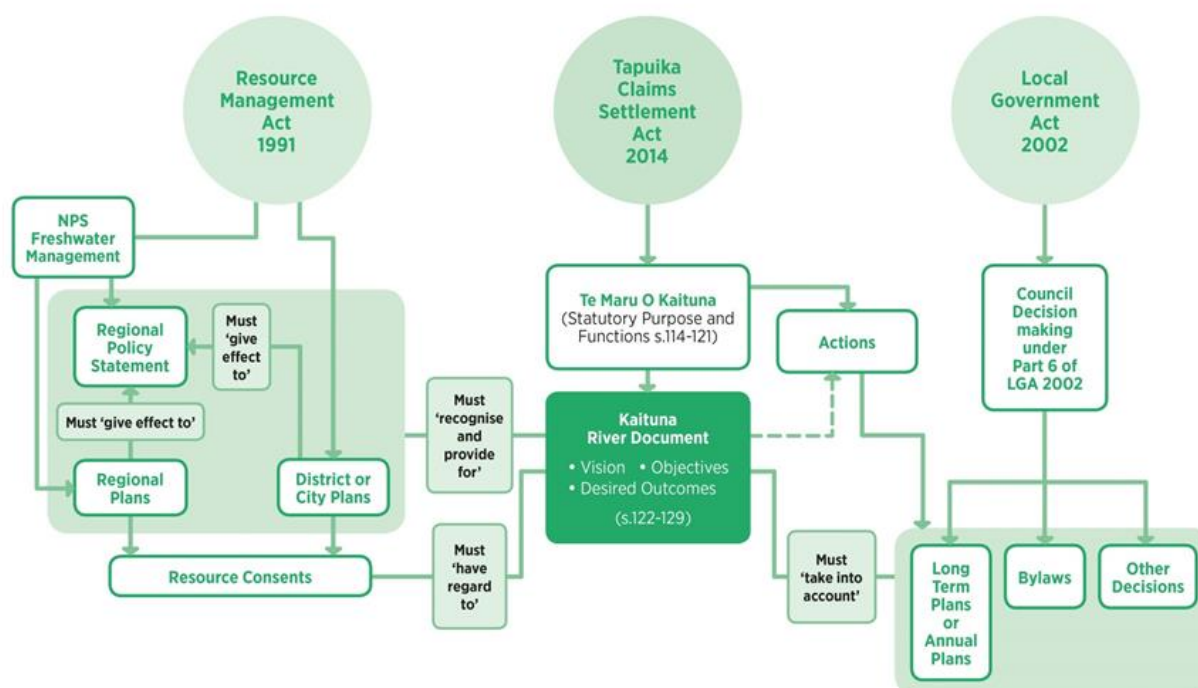
Subject: 'Freshwater for Life' : Legislation and Policy

1. Existing Legislation

There are several pieces of legislation which relate to how freshwater is managed. Core to regional council's operation is the: Local Government Act; the Resource Management Act; and legislation resulting from treaty settlements.

An example of how theses Acts inter-relate is provided for in Figure 1.

Figure 1. Kaituna Documents Influence

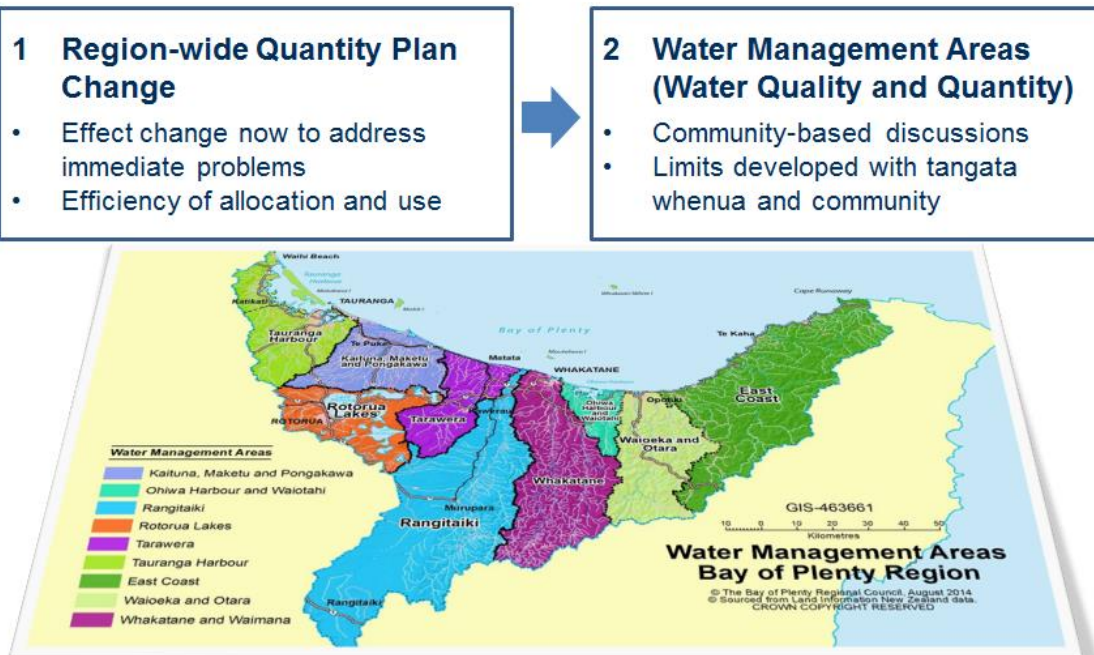


Although this looks quite simplistic, the intricacies of ensuring we are giving effect to our legislative requirements are complex. At the workshop, BOPRC staff will talk through some of the challenges we face and how we give effect to our legislative obligations.

2. Two Step Approach to implementing NPS-FM in BOP

Regional Council agreed to a two-step approach to implementing the NPS-FM at their October 2012 Strategy, Policy & Planning Committee meeting.

Freshwater Futures Programme Approach



Step 1 – Region-wide Water Quantity Plan Change (Proposed Plan Change 9)

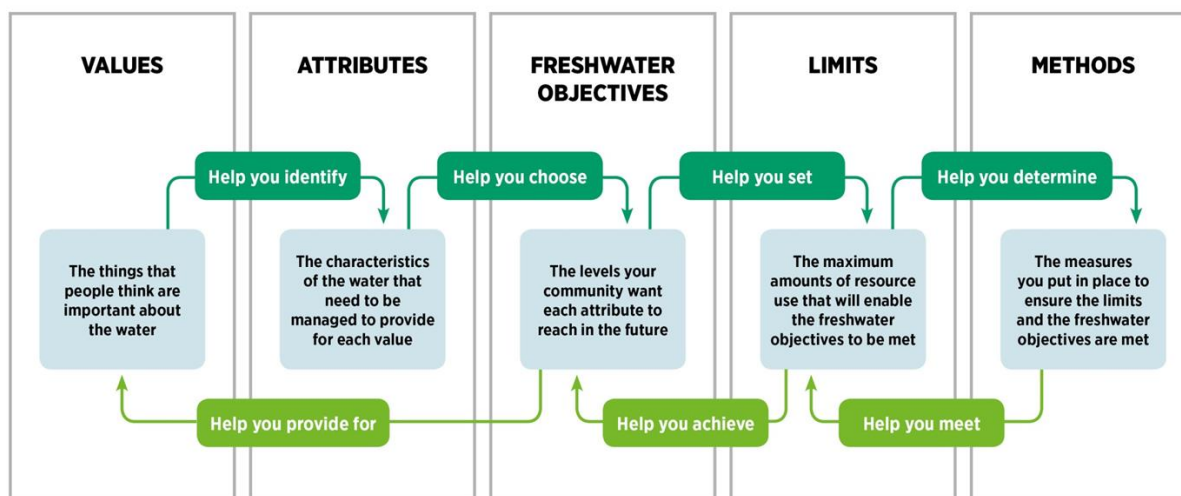
There is no clear, consistent limits (especially for groundwater) within the operative Regional Water and Land Plan, there is increasing water demand, limited knowledge of actual use, high levels of allocated water, and some industries and individuals taking water without authorisation.

To address these immediate challenges a region wide water quantity plan change has been drafted to strengthen existing regional limits, resolve several existing water allocation issues, improve efficiency and collect more robust data.

Proposed Plan Change 9 to the Regional Water and Land Plan was notified on 18 October 2016, 66 submissions and 32 further submissions have been received and hearings are planned for November 2017.

Step 2 – Water Management Areas

Step 2 involves full delivery of NPS-FM requirements across nine catchments or water management areas (WMAs). BOP approach for setting limits follows a nationally consistent approach, See below the process to develop objectives and limits for freshwater quality and quantity, which are implemented through methods.



Kaituna & Rangitaiki

The first two Water Management Areas are the Rangitāiki and Kaituna (covering Kaituna/Maketu-Pongakawa/Waitahanui). These catchments were selected due to:

- having co-governance groups in place;
- having land subject to intensification and rapid change; and
- are areas where we have a lot of existing information.

Draft values and attributes have been developed and work has started on drafting objectives.

Three community groups have been established to assist with this process for the Kaituna, Pongakawa and Rangitāiki. A parallel hui-a-iwi process was run in and iwi engagement is now more tailored. In addition to these groups and hui, the project team regularly seek feedback from the Territorial Local Authority Freshwater Collaboration Group (TLAFCG) and the Regional Water Advisory Panel. Both groups were established to contribute their expertise on the way our region's freshwater is managed, particularly in relation to National Policy Statement for Freshwater Management implementation. The TLAFCG is made up of representatives from each council and invitations to Toi Te Ora. The Panel is made up of key stakeholders representing Māori, environmental, economic development, energy, forestry, agricultural and tourism interests, contribute.

For the Kaituna and Rangitaiki catchments Regional Council is currently working on modelling the future and working out what that looks like. Bio-physical catchment modelling helps us to test our ability to meet objectives given certain assumptions about future use and management of land and water (i.e. scenarios).

Tauranga and Rotorua

Regional Council earlier this year approved the start of the next WMAs being Tauranga and Rotorua. Scoping work begins. It is envisaged that the first three years of the Tauranga WMA will involve a freshwater focused environmental, social, cultural and economic stocktake.

Namouta Poutasi
Water Policy Manager

WORKSHOP PAPER



To: Smartgrowth Leadership Group

29 September 2017

From: Namouta Poutasi
Water Policy Manager

Date: 14 September 2017

Subject: 'Freshwater for Life' – NPS-FM Key Changes

1. Background

The National Policy Statement for Freshwater Management provides direction on how local authorities should carry out their responsibilities under the Resource Management Act 1991 for managing fresh water.

Core to this is Regional Council's responsibility in consultation with their communities, to set objectives for the state of fresh water bodies in their regions and to set limits on resource use to meet these objectives.

Some of the key requirements of the Freshwater NPS are to:

- consider and recognise Te Mana o te Wai in freshwater management
 - safeguard fresh water's life-supporting capacity, ecosystem processes, and indigenous species
 - safeguard the health of people who come into contact with the water
 - maintain or improve the overall quality of fresh water within a freshwater management unit
 - improve water quality so that it is swimmable in fourth order waterways
 - protect the significant values of wetlands and outstanding freshwater bodies
 - follow a specific process (the national objectives framework) for identifying the values that tāngata whenua and communities have for water, and using a specified set of water quality measures (called attributes) to set objectives
 - set limits on resource use (eg, how much water can be taken or how much of a contaminant can be discharged) to meet limits over time and ensure they continue to be met
 - determine the appropriate set of methods to meet the objectives and limits
 - take an integrated mountains to sea approach to managing land use, fresh water and coastal water
 - involve iwi and hapū in decision-making and management of fresh water
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2. Key Impacts of NPS-FM changes

On 7th August 2017, MFE released amendments to the NPS-FM 2014, which were gazetted on 6th September 2017. The following table summarises the implications of key changes to the NPS-FM.

Topic	Change Specifics	Significance to Regional Council activities
Te Mana o Te Wai	Greater clarity and increased prominence of <u>Te Mana o te Wai</u> , new objective and policies There are broader implications including raised iwi expectations and how these might play out through Te Mana Whakahono agreements.	Medium
Community Engagement	Policy CA2 has been amended to make it explicit that Councils must discuss with communities including tangata whenua in the development of objectives. This is consistent with Regional Council's current approach.	Low
Science and Monitoring	Specific monitoring and management requirements.	Medium
	Policy CB1 requires monitoring plans to include additional measures	High
	Policy CB3 requires Council to respond to MCI scores below 80 (or in decline)	Medium
Economic Wellbeing	New requirements to consider the economic well-being. This is already part of Regional Council's current approach.	Low
Swimming targets	New policies in relation to swimmability.	High

Namouta Poutasi
Water Policy Manager

WORKSHOP PAPER



To: SmartGrowth Leadership Group

29 September 2017

From: Rob Donald
Science Manager

Date: 14 September 2017

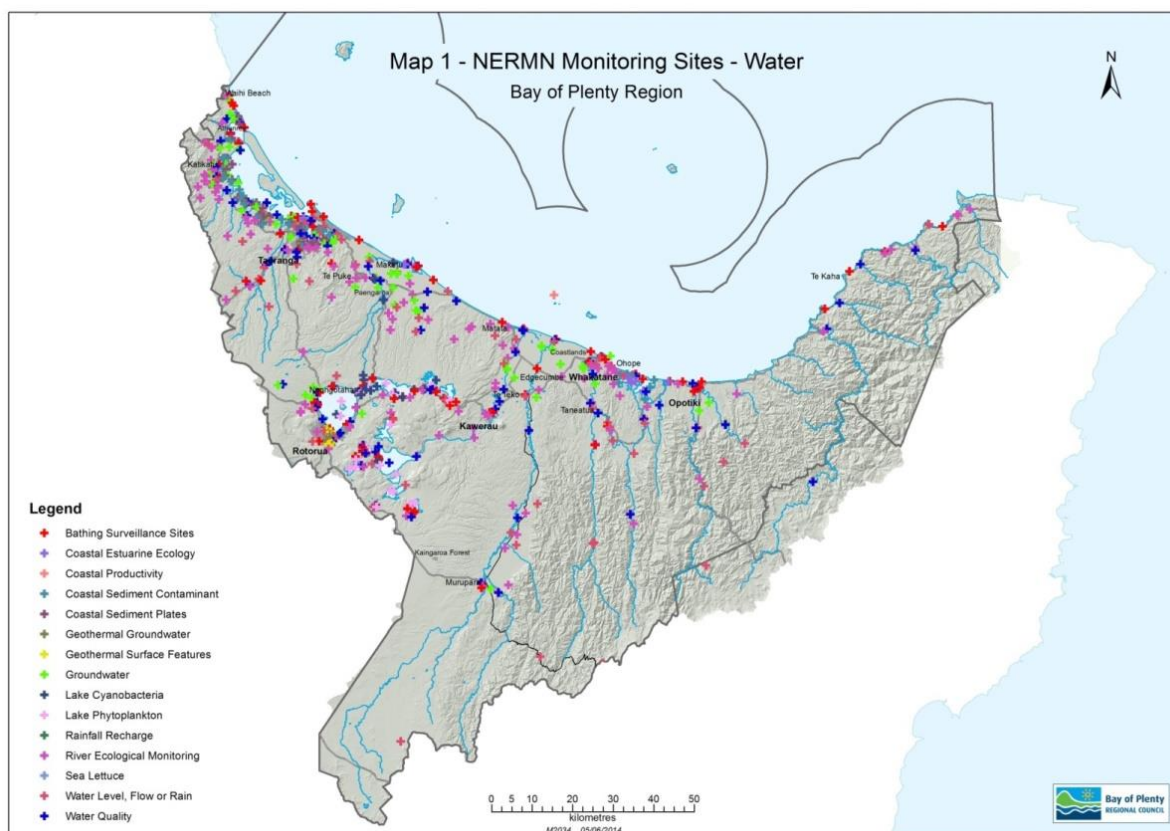
Subject: Water science understanding

1 Introduction

Effective management of water relies on a sound understanding of various aspects of the resource including quality, quantity and ecology. As water resources reach allocation limits the need for a sound, science based understanding of water becomes more critical, as does the ability to communicate the information effectively to stakeholders to allow sound management decisions. The following briefly summarises our current knowledge base with specific reference to waterways within the Western Bay of Plenty area.

2 Our water resources knowledge base

Our understanding of the water resources in the Bay of Plenty region is largely based on a regional monitoring network which has been in place since the early 1990s. The monitoring includes surface water quality and quantity (flows and water levels), freshwater and coastal ecology, groundwater, rainfall and geothermal (see map below).



While this network provides adequate regional coverage it has been necessary to carry out more targeted collection of water related data to support our implementation of the National Policy Statement (NPS) for Freshwater Management. Stocktakes in 2015 for the Kaituna-Pongakawa-Waitahanui and Rangitāiki Water Management Areas (WMAs) identified data gaps which are being progressively filled for water quality, periphyton (algal growth), fish, and groundwater springs.

Note that monitoring information on water quality and quantity in the Bay of Plenty is available on the BOPRC website under 'Live Monitoring' (<https://www.boprc.govt.nz/>), and on the LAWA - Land, Air, Water, Aotearoa website (<https://www.lawa.org.nz/>).

3 Water Quality

The water quality of rivers and streams in the Western Bay of Plenty generally meets guidelines for the protection of aquatic life (e.g. fish) and there are not significant issues with excessive algal growth which are typically due to elevated levels of nitrogen and/or phosphorus. Some monitoring sites (e.g. in the lower Kaituna River and Pongakawa Stream) are showing long-term increasing trends for oxidised nitrogen (mostly nitrate).

Nutrients from rivers and streams are more likely to be a focus for management because of the impact they have on the estuaries into which they flow. Excessive algal growth, including of sea lettuce and/or red algae (*Gracilaria*), are well documented in Tauranga Harbour, Maketū and Waihi Estuaries.

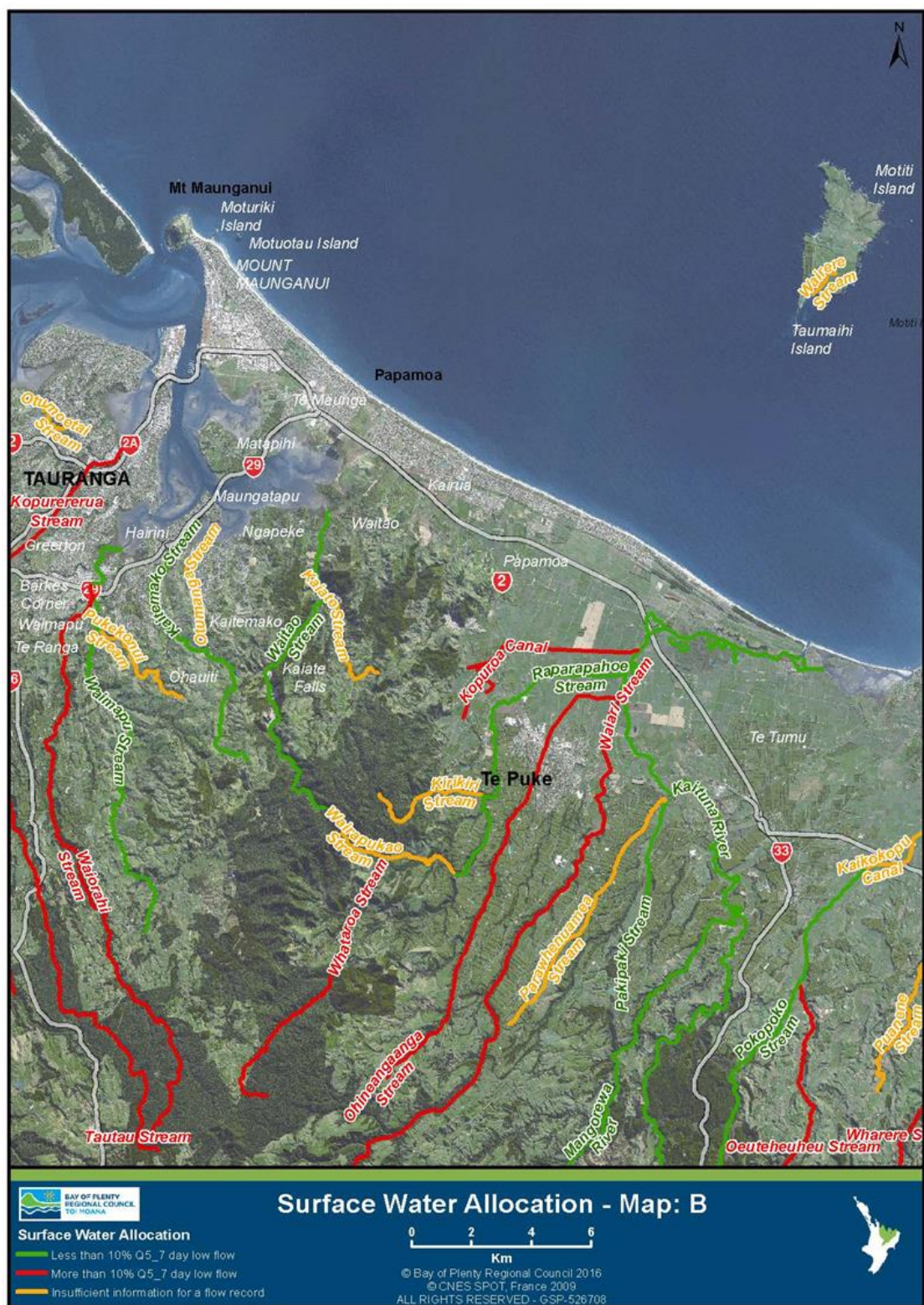
A similar situation is present for suspended solids (including sediment) in rivers and streams. Again, the effects of this contaminant on the estuaries are well documented and there are a number of targeted management interventions in place to reduce the scale of the problem. High levels of suspended solids are an issue for some streams in the Western Bay of Plenty (e.g. in the Kopurererua) although where long-term trends are evident these are showing a reduction in suspended solid levels.

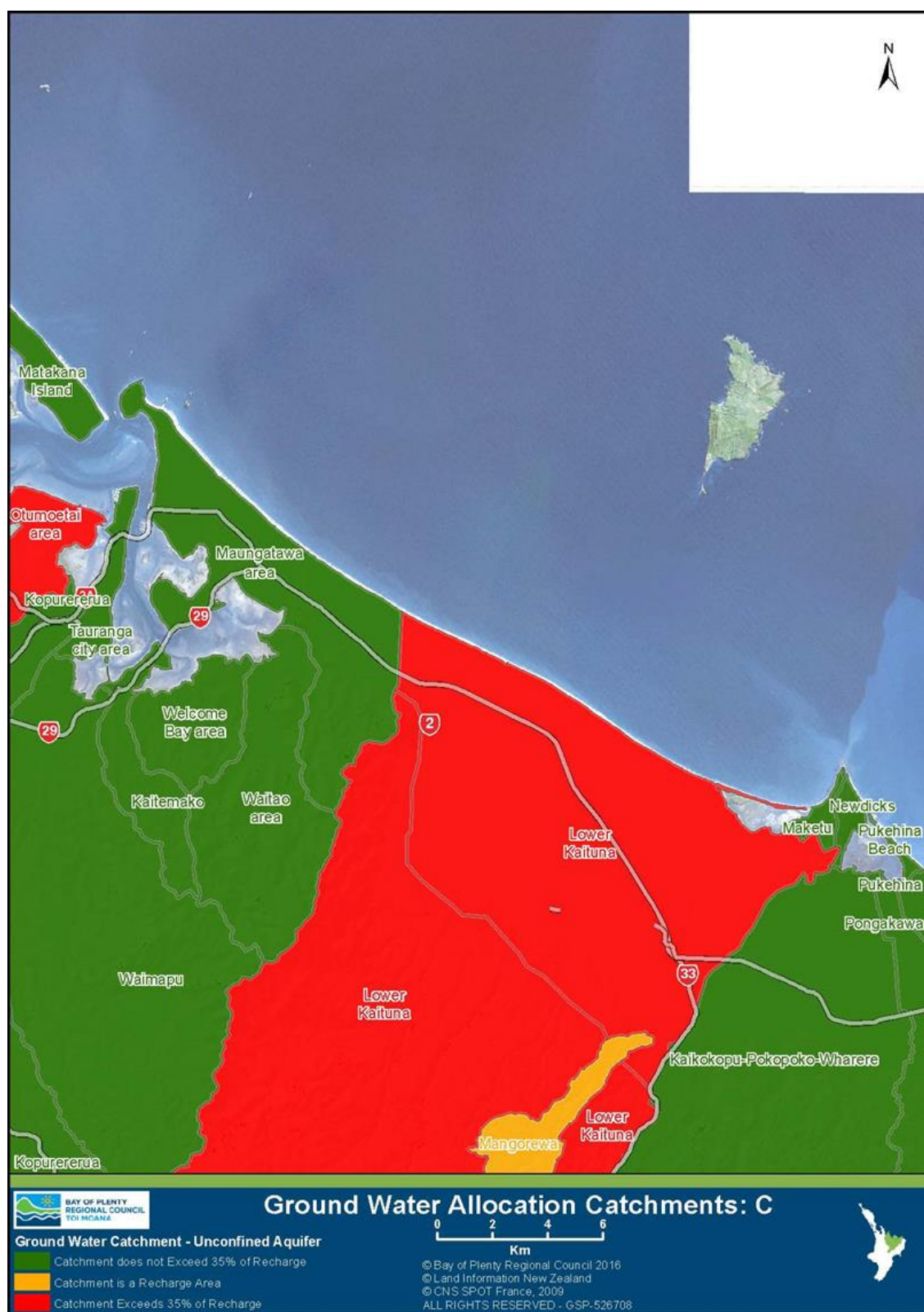
The 'swimmability' of rivers and streams in the area (based on E.coli levels) generally meets the new standards under the NPS for Freshwater Management. Some popular swimming sites (e.g. the Kaiate Stream at Kaiate Falls) exceed the standards and are being investigated further. The effects of faecal contamination in water are potentially more acute in the estuaries where shellfish gathering is popular, for example the levels of faecal coliforms in Maketū Estuary have at times exceeded New Zealand food safety guidelines.

4 Water Quantity

Water quantity in rivers and streams in the Western Bay of Plenty is generally not a limiting factor for in-stream aquatic life. However, the following example (Map B) shows that the consented allocation of surface water has exceeded the interim limits set in the Regional Water and Land Plan for more than half of these waterways. A similar situation is present for groundwater catchments (Map C).

Note that a two-step approach is being taken to set allocation limits and minimum flows for water in the region. The first step is applying region-wide interim limits to 'hold the line'. These region-wide default limits are based on simple hydrological statistics and set boundaries. The second step involves determining limits based on the freshwater objectives for each Freshwater Management Unit as determined during the implementation of the NPS for Freshwater Management.





Rob Donald
Science Manager

WORKSHOP PAPER



To: Smartgrowth Leadership Group

29 September 2017

From: Ian Morton

Science and Strategy Manager

Date: 14 September 2017

Subject: Swimmability - BOP

1. Background – Swimmability

In February 2017, Minister Smith announced a target for 90% New Zealand's Lakes and Rivers will be swimmable by 2040, with targets of 80% swimmable by 2030.

At that time MFE released a set of maps to the public, identifying 4th order rivers and lakes (perimeter larger than 1.5km) onto their website, showing the swimmability status across New Zealand. Within the BOP region it was shown (in the MFE model) that our rivers and lakes were 86% swimmable.

Following the public release of the announcement and maps, Minister Smith sent a letter to all Regional Council Chairs requesting the following:

- Draft swimmability Targets by October 2017
- Final swimmability Targets by March 2017.

Through the Regional Sector Group (RSG) it was agreed that a small working party be set up to support preparing input for the draft targets.

The working party agreed an approach to the work. By the end of October, the Minister will receive 2 deliverables:

- Deliverable 1 – a report on how far work already committed to by councils will move water quality towards the 2030 and 2040 targets. This work is referred to as **committed work**.
- Deliverable 2 – advice based on modelled scenarios of what action may be needed to meet the 2030 and 2040 targets, broken down regionally. This is the regional top down targets work and is called **future (uncommitted work)**.

In June 2017 templates were provided to each Regional council and information was requested on the following:

- Identify any errors with the MFE swimmability maps
 - Swimmability maps are based on data from 1990 – 2013, is there any changes based on actual monitoring / improvements
 - Identify point source discharges to Freshwater and identify improvements planned
 - Identify planned urban mitigations to reduce E.coli
 - Identify planned mitigations for reducing E.coli (across the region)
 - Provide any information on source tracking of E.coli – if available
 - Provide any information on yields of E.coli from different land uses – if available
-

- Provide any information on attenuation of E.coli – if available
- Provide spatial distribution of farm dairy effluent application.

Throughout June 2017 a team (including ICM, Regulation, and Science resources) prepared the input for MFE and this was submitted on 12 July.

Using the information from all regional councils, the working group will model the work committed to across the country (adding the MPI data on what stock exclusion regulations will achieve) to assess how far planned work will get us towards the 2030 and 2040 targets. This work is the basis of the report which is Deliverable 1.

The working group will then develop a set of scenarios to run through the model. This work will show what reduction may be needed, so that officials can analyse the potential ways to meet the targets. This work will show what different scenarios will mean for individual regions and enable the working group to provide advice on what indicative top down targets may look like. This is Deliverable 2.

Feedback from MFE Team, is that the BOPRC submission was very detailed, providing information at a granular scale against each waterbody, whereas other councils provided higher level input. As a result this puts us in a good position to make targeted changes to our baseline information.

At the workshop – the ICM team will run through a copy of the sub-regional maps and how we determined appropriate mitigations to improve swimmability for specific waterbodies.

2. Swimmability in Bay of Plenty

The swimmability of our lakes and rivers are based on E.coli levels (for rivers) and cyanobacteria (Lakes).

In February 2017, when the original swimmability maps were released, the assessment for swimmability classified BOP as 86% swimmable. Following our submission in June 2017, this has been updated to 93% swimmable.

The key changes from our submission in June 2017 were:

- Removing drains from the swimmability map
- Providing up to date monitoring information, highlighting improvements since 2013.

3. NPSFM 2017 Swimmability Requirements

NPSFM policies (A5, A6) now require Councils to locate primary water contact sites and describe what will be done to achieve new primary contact suitability targets (80% swimmable by 2030, 90% swimmable by 2040 and general improvements in swimmability).

Policy A6 requires draft regional targets for swimmability to be available to the public by 31 March 2018; and final regional targets to be available to the public by 31 December 2018.

The two policies are listed below:

Policy A5

By every regional council making or changing regional plans to the extent needed to ensure the plans:

- a) identify specified rivers and lakes, and primary contact sites; and
- b) state what improvements will be made, and over what timeframes, to specified rivers and lakes, and primary contact sites, so they are suitable for primary contact more often; or
- c) state how specified rivers and lakes, and primary contact sites, will be maintained if regional targets established under Policy A6(b) have been achieved.

Improvements to specified rivers and lakes in (b) must make a contribution to achieving regional targets established under Policy A6(b).

Policy A6

By every regional council developing regional targets to improve the quality of fresh water in specified rivers and lakes and contribute to achieving the national target in Appendix 6, and ensuring:

- a) draft regional targets are available to the public by 31 March 2018; and
- b) final regional targets are available to the public by 31 December 2018.

For Bay of Plenty, we will need to change our regional plan, including the following:

- Identify specified rivers and lakes, and primary contact sites
- State what improvements will be made or if targets are met how they will be maintained.

Within Bay of Plenty, there are 25 lakes and 158 rivers (4th order) identified within the MFE maps.

This is a significant undertaking, however there are options to minimise the complexity associated with this, for example:

For rivers / lakes which have already met the target, we can note that we will continue monitoring water quality and carry out BAU improvements (as required); this would allow us to focus purely on those rivers / lakes that need some specific attention.

For those rivers / lakes that need specific attention we can add in the improvements, already noted through our BAU activity, include the following:

- Good management practice work with land owners
- Riparian planting (joint funding with landowners)
- Fencing of water ways (joint funding with landowners).

As we are already at 93% swimmable within BOP, we are already in a good position. By applying the above BAU activates over the next 23 years (until 2040) we should be able to achieve a very high target for swimmability within the Bay. MfE are re-running the model to understand what we can achieve by applying the above BAU practices and we will get visibility of our updated % by the end of September.

4. Swimmability – Focus on Communities

As we progress through our limit setting process with the local communities, we will continue to listen to our communities to identify solutions to local problems.

At RDD in May 2017, Sarah Omundsen tabled a paper on ‘Special management areas for addressing localised water quality issues’. This report highlighted two waterbodies, Kaiate stream

and the Ngongotahā. Both of these waterbodies are highly valued by the communities for swimming.

Identifying these two waterbodies as 'special management areas' allows the operational teams to deploy additional resources, which are outside the existing Standard Operating Procedures (SOPs).

For the Kaiate stream it is proposed that a special task force, which include science, sustainable land management, compliance and policy staff, identify options and actions for reducing contamination into the waterway.

For the Ngongotahā, it is proposed that a sub-catchment management plan be prepared assisted by council staff and landowners.

Ian Morton

Science and Strategy Manager

WORKSHOP PAPER



To: Smartgrowth Leadership Group

29 September 2017

From: Ian Morton

Science and Strategy Manager

Date: 15 September 2017

Subject: Freshwater For Life : Collaboration (Havelock North)

1. Summary

Collaboration to deliver against the Freshwater for Life outcome is key for Bay of Plenty Regional Council.

We have recently carried out a collaboration project with the TLA's and Toi Te Ora, to address jointly the issues identified as a result of the Havelock North Stage 1 inquiry. Detailed risks assessments have been completed with all parties involved and we have identified some areas of risk and proposed mitigations.

Through this exercise, the TLA's have identified some areas of support required from BOPRC, including science support, additional information sharing around catchment risk and enforcement actions.

2. Background – Havelock North

In August 2016 an outbreak of gastroenteritis occurred in Havelock North. 5,500 of the town's 14,000 residents were estimated to have become ill with campylobacteriosis and 45 were subsequently hospitalised.

The August 2016 outbreak was traced to contamination of the drinking water supplied by two bores in Brookvale Road, on the outskirts of Havelock North. This raised questions about the safety and security of New Zealand's drinking water.

In September 2016, the Government established an inquiry into the outbreak. Stage 1 of the Inquiry focused on identifying what happened, what caused the outbreak, and assessed the conduct of those responsible for providing safe drinking water to Havelock North. This stage of the inquiry was publicly released in May 2017. The key findings from the Stage 1 inquiry are summarised below:

1. The District Council (DC), Regional Council (RC) and Drinking Water Assessors (DWA) *"failed to adhere to the high levels of care and diligence necessary to protect public health and to avoid outbreaks of serious illness. A higher standard of care needed to be embraced, akin to that applied in the fields of medicine and aviation where the consequences of a failure could similarly be illness, injury or death"*.
 2. The contamination probably occurred from run-off containing sheep faeces, and the highly likely pathway of contamination was across a paddock and through a pond into the water-zone of the groundwater aquifer that the DC bores drew from.
 3. The DC had incorrectly assessed the aquifer as 'secure', and this 'secure' rating determined that no treatment would be applied to the water at the supply end.
-

4. The RC failed to meet its responsibilities, as set out in the Resource Management Act 1991, in that:
 - a. The RC's knowledge and awareness of aquifer and catchment contamination risks fell below required standards.
 - b. The RC failed to take specific and effective steps to assess the risks of contamination and the attendant risks to drinking water-safety through its resource consent processes; its management of the many uncapped or disused bores in the vicinity; its State of the Environment and resource consent monitoring work; and its liaison with the DC
5. There was a critical lack of collaboration and liaison between the RC and the DC which the DWA didn't insist was remedied.

Stage 2 of the Inquiry is ongoing and will address lessons learned for the future and steps to be implemented to reduce the likelihood of such an outbreak occurring again in New Zealand. This Stage 2 report is expected to be available in December 2017.

3. Territorial Local Authority Freshwater Collaboration Group

Within the Bay of Plenty a 'Territorial Local Authority (TLA) Freshwater Collaboration Group' has been in place since 2014. The initial purpose of this group was to provide advice to BOPRC on the implementation of the NPSFM. Members of this group include representatives from all TLA's in the Bay of Plenty. The group recognised that additional collaboration would be useful in the following areas:

- Havelock North Joint Risk Assessment (including Toi Te Ora)
- Stormwater management (including NZTA)
- Operator Training Certification
- Collaboration Opportunities between TLA's

There is ongoing work associated with other areas of collaboration, which is regularly reported back to RDD, however for today's workshop we will focus on the Havelock North Joint Risk Assessment.

4. Havelock North – Joint Risk Assessment

As a result of the Stage 1 inquiry findings, the TLA Freshwater Collaboration Group brainstormed a list of potential risks. It was agreed that any detailed risk analysis of specific bores should focus primarily on the municipal supplies – as there are thousands of smaller private water takes (both ground water and surface water) across the Bay of Plenty. These private water takes would be addressed as one group with many of their risks and mitigations in common.

Also discussed were the roles and responsibility of TLA's, Regional Council and Toi Te Ora with respect to drinking water (see Appendix 3 – Drinking Water – Roles and Responsibilities).

Throughout July and August 2017, meetings have taken place with Toi Te Ora and all TLA's within the Bay of Plenty region, and draft risk assessments have been completed for all the municipal water takes (see attached Appendix 2 – Draft Risk Assessments for WBOP/TCC).

A summary of the risks are noted below for information:-

Sub Region	Risk Description	Risk Level	Mitigation Actions – BOPRC
TCC	Impacts to surface water takes – upper catchment.	Low	Work with TCC to identify catchment risk – upper catchment.
WBOP	Large amount of catchment	Low	Joint discussion BOPRC GW scientist /

	development – leads to GW contamination from other bores.		WBOP team to clarify risk and identify mitigations.
RLC	E.coli issues at Mamaku GW bore.	High	Bore currently not in use, RLC working to understand sources of E.coli & seeking BOPRC GW science support.
ODC	Turbidity issues at Te Kaha, resulting in UV treatment not being effective for microbiological (including protozoa) inactivation.	Med	No action for BOPRC, ODC are installing a new soak hole (as identified in Water Safety Plan).
KDC	E.coli contamination issues due to broken pipes and turbidity issues impacting UV treatment.	Med	No action for BOPRC, KDC have a programme in place for pipe renewal & tree removal (around pipes).
WDC	No treatment of water at Murupara.	High	No action for BOPRC, WDC currently legalising status of the bores to execute improvements and possibly introduce chlorination.
WDC	Large number of shallow ground water bores in Rangitāiki plains, potential for GW contamination from private bores.	Med	Joint discussion BOPRC GW scientist / WDC team to clarify risk and identify mitigations.
General	Large number of private bores and surface takes – Do they have information to enable them to understand risks.	High	Toi Te Ora to proceed with campaign to highlight risk & potentially involve TLA's / BOPRC.
General	Response plans between Toi Te Ora / TLA's / BOPRC are not fully aligned – may result in mixed messages to community following an incident.	Low	Joint review of response plans to ensure alignment.

Note: RLC are seeking support on algal information held by BOPRC on Lake Tarawera – as a result of private bores taking water directly from the lake.

Note: KDC have very little understanding of the source of the water feeding the spring supplies and are seeking some support from BOPRC science team.

5. Havelock North – Joint Risk Assessment – Where to from Here

The next steps for this work include:

- Finalise input from Toi Te Ora (Mid Sept)
- TLA's and BOPRC Policy/Planning, Regulatory and Science review / confirm risk report and wording (End Sept)
- Present final report back to councillors (Oct)

Review Stage 2 inquiry findings – due December 2017.

Ian Morton
Science and Strategy Manager

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Appendix 2

Draft Risk Assessments

1. Western Bay District Council
2. Tauranga City Council

N.B. Toi Te Ora's initial comments are highlighted in yellow.

Risk Register: Western Bay District Council

Supply	Supply / Population	Water Body	Bore Depth (m)	Treatment	What are the TLA doing/Description	Top Risks	Risk H/M/L	Owner	Mitigation
Omokoroa	8450 and increasing	GW	184-215	Chlorination / pH	<ul style="list-style-type: none">3 bores on Youngson RoadSupplies west of Tauranga (including Omokoroa / Te Puna). From Morton estate to Wairoa river2 bores pumped from Groundwater into pre-treatment reservoir	Pre-treatment reservoir contamination (vandalism or animals)	Low	WBDC	Storage is covered and construction materials are not susceptible to corrosion. Monthly inspections are carried out.
Minden		GW	191	Chlorination / pH	<ul style="list-style-type: none">Support expansion west of Tauranga (including Omokoroa / Te Puna). Important for growth in OmokoroaCurrently small bore, looking to expand	Water availability to support growth	Low	WBDC/ BOPRC	GW scientists to share information on other bores in area – volumes of water and quality
Te Puke	8260	GW	192-280	Chlorination / pH	<ul style="list-style-type: none">Primary supply from Te Puke to Maketū5 bores in this field (4 large production bores and 1 small bore)				
Katikati	5700	GW	92-150	Chlorination	<ul style="list-style-type: none">Supplies Katikati township3 bores				
Pongakawa	4600	GW	91	Chlorination / pH / sand filtration	<ul style="list-style-type: none">Supplies the Maketū, Pukehina and Paengaroa communitiesGW high levels of iron / manganese, hence sand filtration				
Waihī – Wilson Road	5125	GW	110	Chlorination / pH	<ul style="list-style-type: none">Supplies Waihī area4 bores joined.	Wilson road – was a rural bore, a lot of development around bore	Low	WBDC	Catchment risk assessment to factor in any new levels and types of land-use activity
Athenree North		GW	260	Chlorination					
Athenree South		GW	259						
Tahawai		GW	205						
Bush Scheme <i>Back of Te Puke</i>	170	SW	NA	UV / Chlorination / pH	<ul style="list-style-type: none">Supplies 60 houses behind Te PukeBackflow preventers installed	Poor surface water quality, including from algal blooms	Low	WBDC	As part of LTP 2018-28 – moving to GW bore to supply these houses. Expected to be in place by mid- 2019
							WBDC / BOPRC	Information sharing – water quality / algal blooms / pollution events / consenting and compliance	
						Contamination of source by raw water taken from supply pipeline by farms	Low	WBDC	Monitor use of backflow preventers
						Contamination of source water from dead animals when DOC baiting	Low	WBDC Toi Te Ora	DOCs baiting operation is a consented activity with conditions approved by WBDC and Toi Te Ora
General					<ul style="list-style-type: none">Large amount of development – other boresConcern around septic tanks & backflowSome bores close to roads – potential contamination	Source Groundwater contamination risk e.g. from other bores; land-use effects	Low	BOPRC / WBDC	Joint discussion to identify mitigations, GW Science support, Regional Plan reviews, Regulatory review
								WBDC	Monitor land use development within the recharge area through the subdivision/development consent process.
						Source becomes contaminated through bore abstraction	Low	BOPRC	Compliance on WBDC bore structures
								WBDC	Bore structural requirements are addressed in WSP

Notes:

- Not drawing water from Baylis Road anymore - mothballed.
- In Pongakawa – there was an event in March 2017, they over compensated for pH & triple safety procedures now in place
- WBDC – have some significant GW consents which are not being used, being kept as this may be required as a backup if there is a natural disaster. **Action: Need discussion on GW aquifer – talk with GW scientists (BOPRC).**
- Water safety plans have been updated following Havelock inquiry and Water assessors have reviewed and signed off.
- All operators have National Certification in Water Treatment
- All bores are secure according to the DWS – Toi Te Ora comment
- Increasing development is increasing the risk to WBDC's drinking water quantity availability and source quality – Toi Te Ora comment

Risk Register: Tauranga City Council

Bore	Supply / Population	Water Body	Bore Depth	Treatment	What are the TLA doing/Description	Top Risks	Risk H/M/L	Owner	Mitigation
Waiorohi Stream & Tautau Stream	120000	SW	NA	Chlorination / Microfiltration / Clarifier	<p>Two streams supply two treatment plants at Joyce Road and Oropi Road.</p> <p>The Waiorohi Stream intake's catchment has a surface area of 2900ha, of which approximately 33% is native forest with the remaining a mix of farming, horticulture and lifestyle blocks. This is a Zero Discharge plant – any discharge goes to refuse plant to be recycled. There were 3 intake points but one has been abandoned.</p> <p>The Tautau Stream intake's catchment is 1600ha with 70% in native forest and the remaining a mix of farming, horticulture and lifestyle blocks.</p>	Unsealed roads across stream	Low	WBOPDC TCC BOPRC	Joint discussion to consider sealing relevant parts of roads
						Source water receives contaminants from volcanic activity or persistent heavy rainfall	Low	TCC BOPRC	Relevant information sharing
						Generally poor surface water quality, including from algal blooms.	Low	TCC BOPRC	Information sharing – water quality / algal blooms / pollution events e.g. truck spills, illegal dumping / consenting and compliance
								TCC	Joint discussion to identify mitigations, GW Science support, Regional Plan reviews, Regulatory review
									Monitor land use development within the recharge area through the subdivision/development consent process.
									Preventative measures as per WSP S1.1. e.g. raise public awareness about the catchments' relationship to drinking water.

Notes:

- **Waiorohi Stream** – Has a BOPRC jointly funded riparian enhancement programme. **Action: BOPRC to review its level of involvement when considering its Drinking Water responsibilities.**
- **Tautau Stream**
 - Do we need more monitoring (science/data) **Action: BOPRC review**
 - OSET consents may pose potential backflow risk into TCC system **Action: BOPRC review.**
- **Faith Bible College** - This is not a TCC managed source, but it is monitored by TCC as part of their Water Safety Assessment which will be redone in 2017 – **Action: TCC to share results; BOPRC to ask DHB for Regional Compliance Result Report**
- Sourcing drinking water from the Waiere Stream is planned. The source contamination risks will be higher than usual for TCC because they don't own as much of that catchment.
- Farm-drains are a source contamination risk. **Action: BOPRC to consider this in their joint discussion with TCC to identify mitigations of generally poor surface water quality (above mitigation).** – Toi Te Ora comment.

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Appendix 3

Drinking Water - Roles and Responsibilities

Legislation	Agency Responsible	Function
Health Act 1956 Drinking-Water Standards for New Zealand 2005	Territorial and Unitary Authorities (local)	Produce and supply safe drinking water that meets the drinking water standards. Test water supplies regularly in accordance with the drinking water standards. Source protection and development of water safety plans.
	District Health Boards (regional)	Oversight of the TLAs in its area and ensure (via audits) that they maintain appropriate water quality.
	Ministry of Health (national)	Maintains a register of water suppliers. Develops legislation, provides 'tools' and support material to water suppliers to encourage and assist with good management of water supplies. Distributes support funding when available.
Building Act 2004 and Building Code	Territorial and Unitary Authorities	Contaminants in water supply mains. The Building Code G12 requires backflow prevention and this is the responsibility of the Local Authority.
Resource Management Act 1991 Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007	Territorial and Unitary Authorities	Ensure that at subdivision stage consideration is given to water supplies and wastewater disposal.
	Regional Councils and Unitary Authorities	Ensure that effects of activities on drinking water sources are considered in decisions on resource consents and regional plans. Monitor compliance with resource consents. Monitor the state of the environment.

WORKSHOP PAPER



To: Smartgrowth Leadership Group

29 September 2017

From: Kelvin Hill & Steve Burton

Date: 14 September 2017

Utilities Manager WBOP / Manager City
Waters TCC

Subject: Freshwater For Life : Collaboration (TCC / WBOP)

A presentation will provided to Smartgrowth Leadership on the day.

Kelvin Hill & Steve Burton

Utilities Manager WBOP / Manager City Waters TCC

WORKSHOP PAPER



To: Smartgrowth Leadership Group
29 September 2017

From: Kelvin Hill
Utilities Manager WBOP

Date: 14 September 2017

Subject: Freshwater For Life : DIA 3 Waters

A presentation will provided to Smartgrowth Leadership on the day.

Kelvin Hill

Utilities Manager WBOP

WORKSHOP PAPER



To: Smartgrowth Leadership Group
29 September 2017

From: Clarke Koopu
Senior Advisor (Treaty)

Date: 14 September 2017

Subject: Māori Policy Changes - Freshwater

1. NPSFM 2017 - Recognising and Providing for Te Mana o te Wai

In the recent changes to NPS-FM, additional clarity was provided for Te Mana o Te Wai. Staff will talk through the attached MFE Factsheet.

2. Changes to Māori Participation in the Resource Management Act 1991

Changes to Māori participation came into effect on 19 April 2017 under changes to the RMA. Staff will talk through the attached MFE Factsheet.

Clarke Koopu
Senior Advisor (Treaty)



Changes to Freshwater NPS – 2017

Te Mana o te Wai

In August 2017 the Government announced a set of changes to the National Policy Statement for Freshwater Management 2014 (Freshwater NPS). This fact sheet provides information about the changes to Te Mana o te Wai.

What does Te Mana o te Wai mean?

Each community will decide what Te Mana o te Wai means to them at a freshwater management unit scale, based on their unique relationship with fresh water in their area or rohe. The Statement of National Significance in the Freshwater NPS describes the concept of Te Mana o te Wai as the integrated and holistic well-being of the water. It is up to communities and councils to consider and recognise Te Mana o te Wai in their regions.

What's changed?

The changes clarify what Te Mana o te Wai means in the Freshwater NPS and how the concept applies in freshwater management. This is achieved through three changes.

Statement of national significance

The statement of national significance is expanded to better describe Te Mana o te Wai and how it relates to freshwater management. The statement is now in the body of the Freshwater NPS rather than in the Preamble.

The rewritten statement of national significance explains that regional councils and their communities, including tangata whenua, should work together to understand what values are held for fresh water in their area or rohe. All decisions about freshwater management should be made by putting the health and well-being of the water at the forefront of their discussions.

New objective and policy

There is a new objective and a new policy for Te Mana o te Wai. The new objective requires councils to consider and recognise Te Mana o te Wai in freshwater management. The new policy requires councils to make or change plans to achieve the objective, noting the connection between fresh water and the broader environment; and the role of community values when setting freshwater objectives and limits.

Amendments to existing objectives and policies

- A change to Policy CA2 clarifies that the national objectives framework process is underpinned by community engagement.

- A change to Policy C1 so that freshwater management recognises the interactions ki uta ki tai (from the mountains to the sea) between land use and water throughout a catchment.
- Amendments to two value descriptions. 'Human health for recreation' provides a clearer explanation of what a healthy water body means for human health and 'natural form and character' better aligns with Te Mana o te Wai.

Why has it changed?

Te Mana o te Wai was introduced to the Freshwater NPS in 2014. Te Mana o te Wai is a concept for fresh water that encompasses several different aspects of the integrated and holistic health and well-being of a water body. When Te Mana o te Wai is given effect, the water body will sustain the full range of environmental, social, cultural and economic values held by iwi and the community. The concept is expressed in te reo Maori, but applies to freshwater management for and on behalf of the whole community.

Following the 2014 amendments, councils, iwi/hapū, and interested stakeholders all felt that the meaning of and status of the statement about Te Mana o te Wai was unclear, and the direction provided to councils through the Freshwater NPS was uncertain.

What it means for communities

To meet the new obligations imposed by the changes for Te Mana o te Wai, councils and communities – including tangata whenua – will get together to discuss what values they hold for the freshwater bodies in their rohe, to set freshwater objectives and limits.

In upholding Te Mana o te Wai, these discussions should explore all values the community holds for fresh water; however, the health and well-being of fresh water should come first. This will ensure that when freshwater objectives and limits are set, the three healths of Te Mana o te Wai – Te Hauora o te Wai (the health and well-being of the water), Te Hauora o te Tangata (the health and well-being of people), and Te Hauora o te Taiao (the health and well-being of the environment) – are provided for.

Giving priority to the health and well-being of fresh water will help councils manage for the compulsory values of Appendix 1; supporting a healthy ecosystem that allows people to connect with the water through a range of activities.

Communities and councils will together decide what Te Mana o te Wai means in their rohe and how freshwater values will be balanced to provide for the health and well-being of the water.

For councils, it means the setting freshwater objectives and limits will be guided by this common understanding and by the values held by the community. The making and changing of regional policy statements and plans will consider and recognise Te Mana o te Wai.

Further information

How does Te Mana o te Wai relate to Part D: Tangata whenua roles and interests of the Freshwater NPS?

Part D requires councils to involve iwi/hapū in the management of fresh water, work with them to identify their values and interests, and reflect those values and interests in decision-making. The community engagement that councils will undertake to provide for Te Mana o te Wai in freshwater management will help councils meet these requirements of Part D of the Freshwater NPS.

Fact sheets in this series

This is one of a series of seven fact sheets providing an overview of the recent changes to National Policy Statement for Freshwater Management.

The full set of fact sheets is available on our website: www.mfe.govt.nz/publications/fresh-water/fact-sheets-changes-freshwater-nps-2017.

Find out more

Contact the Ministry for the Environment by emailing watercomments@mfe.govt.nz, or visit www.mfe.govt.nz/fresh-water.

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New Zealand Government

Resource Legislation Amendments 2017

RESOURCE LEGISLATION AMENDMENTS 2017 – FACT SHEET 3

Changes to Māori participation in the Resource Management Act 1991

This is part of a series of 16 fact sheets that give an overview of recent resource legislation amendments.

This fact sheet outlines changes to Māori participation under the Resource Management Act 1991 (RMA), which come into effect on 19 April 2017.

Previously engagement between councils and Māori in RMA planning and consenting hasn't been consistent across the country, and the effectiveness of existing relationships between iwi and councils has varied.

In some regions, councils and iwi have informal arrangements, memoranda of understanding, statutory joint management arrangements, Treaty of Waitangi settlement arrangements, or advisory boards to council. In other regions, Māori have had limited opportunity to engage in resource management effectively. The lack of any statutory requirement for councils to establish working relationships with iwi can lead to disagreements, and delays later in the planning process.

The RMA has been amended to:

- enhance opportunities for iwi input to the RMA plan-making processes
- introduce a new process for establishing agreements between tangata whenua (through iwi authorities) and councils, called Mana Whakahono a Rohe: Iwi participation arrangements (Mana Whakahono a Rohe).

The intent of these changes is to facilitate improved working relationships between iwi and councils, and enhance Māori participation in resource management processes.

More information about these changes is provided below.

Councils must engage with iwi authorities on draft plans and policy statements prior to notification

When preparing proposed policy statements and plans, councils are required to consult with potentially affected tangata whenua through iwi authorities, under clause 3 of Schedule 1 of the RMA.

Schedule 1 of the RMA has been amended to insert clause 4A, which requires councils to:

- provide a copy of any draft policy statement or plan, once prepared but before it is notified, to any iwi authorities that were previously consulted under clause 3 of Schedule 1
- allow adequate time and opportunity for those iwi authorities to consider the draft and provide advice back to the council
- have particular regard to any advice received from those iwi authorities before notifying the plan.

It may be useful for councils and iwi authorities to discuss and agree beforehand (for example, during the previous consultation under clause 3) what amount of time should be provided for the clause 4A stage of the process.

The amount of time that iwi authorities need to consider and prepare advice on draft policy statements or plans could be influenced by other consultation planned at the same time (for example, Treaty settlement processes, or the establishment of a Mana Whakahono a Rohe), or the size or scope of the proposed plan or policy statement.

Clause 4A does not apply to the new collaborative or streamlined planning processes under Parts 4 or 5 of Schedule 1, however:

- a corresponding requirement applies for the collaborative planning process under clause 48 of Schedule 1 (see Fact Sheet 6 for more information)
- a Minister's direction for a streamlined planning process must provide for consultation with affected iwi authorities (if not already undertaken) under clause 77 of Schedule 1 (see Fact Sheet 5 for more information).

Councils must consider iwi authority advice in section 32 evaluation reports

Section 32 of the RMA sets out requirements for councils to prepare and publish evaluation reports about proposed plans, plan changes and policy statements.

Section 32 of the RMA has been amended to require any evaluation reports about proposed policy statements, plans or plan changes (prepared under Schedule 1 through the standard, streamlined or collaborative planning processes) to include summaries of:

- all advice received from iwi authorities on the proposal
- how the proposal responds to that advice, including reference to any proposed provisions that are intended to give effect to the advice.

Consultation on whether it is appropriate to appoint a commissioner with an understanding of tikanga Māori

Section 34A enables councils to appoint commissioners for hearings on proposed plans and policy statements under Schedule 1 of the RMA (among other things).

The RMA has been amended to insert section 34A(1A), which requires councils, when appointing commissioners for plan or policy statement hearings to:

- consult iwi authorities about whether it is appropriate to appoint a commissioner who understands tikanga Māori and the perspectives of local iwi and hapū.
- if the council considers it appropriate, appoint at least one commissioner who understands these matters, in consultation with the relevant iwi authority.

Section 34A(1A) does not apply to hearings in collaborative or streamlined planning processes (under Parts 4 or 5 of Schedule 1). However:

- for a collaborative planning process:
 - at least one member of a collaborative group must be appointed by iwi authorities to represent the views of tangata whenua (under clause 40(1)(a))
 - at least one member of a review panel must have understanding of tikanga Māori and the perspectives of tangata whenua, and be appointed after consultation with iwi authorities (under clause 64(5))
- for a streamlined planning process (SPP), if the Minister directs a hearing, he or she may apply any relevant planning process requirements under clause 77(5)(c), which may include requirements for hearing panels that mirror those set out in section 34A(1A). If the applicant council already has a treaty settlement obligation to appointment certain members to a panel, the SPP process cannot be inconsistent with this.

Fact Sheets 5 and 6 provide more information about the streamlined and collaborative planning processes.

Inviting councils to form a Mana Whakahono a Rohe

Purpose of a Mana Whakahono a Rohe

The purpose of a Mana Whakahono a Rohe is to provide a mechanism for councils and iwi to come to agreement on ways tangata whenua may participate in RMA decision-making, and to assist councils with their statutory obligations to tangata whenua under the RMA.

Iwi authorities can invite councils to form a Mana Whakahono a Rohe

Iwi authorities have an option to invite the regional or district council to form a Mana Whakahono a Rohe. On receiving this invitation the council must convene a hui or meeting with the requesting iwi, and may invite any other iwi or councils in the region to discuss the parties, process and timing of the negotiations.

Following this hui or meeting, any parties who want to form a joint arrangement or arrangements will begin negotiations. The negotiations must be concluded within 18 months unless all parties agree otherwise.

When an iwi authority initiates this process with a council, the option of joining an existing arrangement must be considered by the iwi authority.

A council may initiate a Mana Whakahono a Rohe with either a hapū or an iwi authority.

The process does not stop any other RMA process from starting or continuing.

Contents of a Mana Whakahono a Rohe

An arrangement *must* include discussion on:

- how iwi will participate in plan making processes
- how consultation with iwi that is required under the RMA will be undertaken
- how iwi may participate in the development of monitoring methodologies
- how any relevant Treaty settlements will be given effect to
- a process for managing conflicts of interest

- a process for resolving disputes.

An arrangement *may* identify:

- how iwi authorities will work collectively to engage with council
- any delegation from iwi to a person or group of persons (including hapū) how a council consults iwi on resource consents
- any other arrangements relating to RMA processes.

Councils must update their systems to implement Mana Whakahono a Rohe

Once a Mana Whakahono a Rohe has been finalised, councils must review their internal policies and processes to ensure they are consistent with the Mana Whakahono a Rohe. This requirement ensures any Mana Whakahono a Rohe arrangements are properly implemented in council practice.

Mana Whakahono a Rohe and existing arrangements or Treaty settlements

In developing their arrangement, parties must minimise duplication with existing arrangements including Treaty settlement arrangements. If the iwi and council wish to maintain any existing arrangements they have, or use existing arrangements or part of that arrangement as the basis of a Mana Whakahono a Rohe, they can do this if they both agree. No arrangement limits any Treaty settlement legislation or agreements under that legislation.

Fact sheets in this series

This is one of a series of 16 fact sheets providing an overview of amendments to the:

- Resource Management Act 1991
- Conservation Act 1987
- Reserves Act 1977
- Public Works Act 1981
- Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012.

The full set of fact sheets is available on our website:

www.mfe.govt.nz/publications/rma/resource-legislation-amendments-2017-fact-sheet-series

Find out more

Contact the Ministry for the Environment by emailing info@mfe.govt.nz, or visit www.mfe.govt.nz/rma.

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