



AGENDA

Policy & Planning

Tuesday 30 April 2024 10.30am

Policy and Planning Committee

30 April 2024 10:30 AM



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Whakataka te hau

Karakia to open and close meetings

Whakataka te hau ki te uru	Cease the winds from the west
Whakataka te hau ki te tonga	Cease the winds from the south
Kia mākinakina ki uta	Let the breeze blow over the land
Kia mātaratara ki tai	Let the breeze blow over the ocean
Kia hī ake ana te atakura	Let the red-tipped dawn come with a sharpened air
He tio, he huka, he hauhu	A touch of frost, a promise of glorious day
Tūturu o whiti whakamaua kia tina.	Let there be certainty
Tina!	Secure it!
Hui ē! Tāiki ē!	Draw together! Affirm!

Nau mai e ngā hua

Karakia for kai

Nau mai e ngā hua	Welcome the gifts of food
o te wao	from the sacred forests
o te ngakina	from the cultivated gardens
o te wai tai	from the sea
o te wai Māori	from the fresh waters
Nā Tāne	The food of Tāne
Nā Rongo	of Rongo
Nā Tangaroa	of Tangaroa
Nā Maru	of Maru
Ko Ranginui e tū iho nei	I acknowledge Ranginui above and Papatūānuku
Ko Papatūānuku e takoto ake nei	below
Tūturu o whiti whakamaua kia	Let there be certainty
tina	Secure it!
Tina! Hui e! Taiki e!	Draw together! Affirm!



Date: 30 April 2024

Subject: Policy and Planning Committee Minutes – 19 March 2024

Author: M Jones, Governance Administrator

Approved by: A D McLay, Director - Resource Management

Document: 3267783

Recommendations

That Taranaki Regional Council:

- a) takes as read and confirms the minutes of the Policy and Planning Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford on Tuesday 19 March 2024
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 2 April 2024.

Appendices/Attachments

Document 3255855: [Policy and Planning Committee Minutes – 19 March 2024](#)



Date:	19 March 2024	
Venue:	Taranaki Regional Council Boardroom, 47 Cloten Road, Stratford	
Document:	3255855	
Present:	C S Williamson	Chairperson
	B J Bigham	
	D M Cram	
	D H McIntyre	
	A L Jamieson	
	C L Littlewood	(ex officio)
	N W Walker	(ex officio)
	E Bailey	Iwi Representative (zoom)
	M Ritai	Iwi Representative (zoom)
	L Gibbs	Federated Framers
	C Filbee	South Taranaki District Council
Attending:	A D McLay	Director – Resource Management
	A J Matthews	Director – Environment Quality
	D Harrison	Director – Operations
	S Ruru	(joined meeting at 10.36am via zoom)
	L Hawkins	Planning Manager
	F Kiddle	Strategy lead
	L Hawkins	Policy Manager
	L Millar	Manager – Resource Consents
	G Marcroft	Senior Policy Analyst – Regional Planning Lead
	C Woollin	Communications Advisor
	M Jones	Governance Administrator
	N Chadwick	Executive Assistant

One media representative (joined meeting at 10.58am)

The meeting opened with a group Karakia at 10.30am.

Apologies: Were received and sustained from Councillor Hughes, G Boyde, P Moeahu and B Haque.

McIntyre/Jamieson

1. Confirmation of Minutes Policy and Planning 13 February 2024

Resolved

That the Taranaki Regional Council:

- a) took as read and confirmed the minutes of the Policy and Planning Committee of the Taranaki Regional Council held at 10.30 on 13 February 2024 at Taranaki Regional Council 47 Cloten Road Stratford
- b) noted the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 27 February 2024.

Walker/Filbee

F Kiddle provided an update on the NPS

2. Dangerous Dams Policy Officers Report

- 2.1 F Kiddle gave an update of the submissions received for the Dangerous Dams Policy.

Resolved

That the Taranaki Regional Council:

- a) received the memorandum titled Dangerous Dams Policy Officer's Report
- b) noted that two submissions were received on the Dangerous Dams Policy consultation and that neither wished to be heard
- c) adoped the Policy on Dangerous Dams, Earthquake-Prone Dams and Flood-Prone Dams as contained in Attachment One
- d) determined that this decision be recognised not significant in terms of section 76 of the Local Government Act 2002
- e) determined that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determined that it does not require further information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

Cram/Filbee

3. Freshwater Implementation Update

- 3.1 L Hawkins provided an update on the Freshwater Implementation project.

Resolved

That the Taranaki Regional Council:

- a) received the March 2024 update on the Freshwater Implementation Programme.

Littlewood/Filbee

4. Land and Freshwater Plan Review Programme

- 4.1 L Hawkins provided and update on the recent announcements by the coalition government in relation to freshwater management.

(C Filbee left meeting at 11.32am)

Resolved

That the Taranaki Regional Council:

- a) received the memorandum Land and Freshwater Plan review Programme.
- b) endorsed *Option 2 – maintaining momentum* as a new programme for the development of the Land and Freshwater Plan and associated updates to the Regional Policy Statement, aiming for a mid 2025 notification
- c) directed staff to consider any updates provided by the government on future changes to the NSPFM and requests appropriate reporting to the Committee, including consideration of any necessary changes to the programme.
- d) determined that this decision be recognised as not significant in terms of section 76 of the *Local Government Act 2002*
- e) determined that it has complied with the decision-making provisions of the *Local Government Act 2002* to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determined that it does not require further information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

Williamson/McIntyre

There being no further business the Committee Chairperson, C S Williamson, declared the meeting of the Policy and Planning Committee closed at 11.33am.

Policy and Planning

Committee Chairperson: _____

C S Williamson

de



Date: 30 April 2024

Subject: Opportunities for Freshwater Reform

Author: F Kiddle, Policy Analyst

Approved by: A D McLay, Director - Resource Management

Document: 3265114

Purpose

1. To present to the Taranaki Regional Council (the Council) initial analysis on opportunities to improve the freshwater management regime as part of the New Zealand Government's (the Government) intended freshwater reforms.

Executive summary

2. The Government is progressing with its resource management reform agenda, including relating to freshwater, at pace. To inform initial, short turn-around, engagement with the Government, Council officers have undertaken an analysis on opportunities to improve the freshwater management regime under the Resource Management Act 1991 (RMA).
3. This analysis sets out that there are clear ways the regime can be improved. This includes reducing the level of prescription and making regulations less opaque. However, core concepts such as Te Mana o Te Wai and the National Objectives Framework are sound. None of the potential improvements presented would necessitate a change in the target notification date of mid-2025 for the Council's Land and Freshwater Plan.
4. The Council will need to be highly responsive as the Government develops its initial policy proposals over the coming months. To support this, Council officers are continuing to develop analysis on opportunities to improve the freshwater regime, including through specific drafting proposals. The Council will also engage closely with Te Uru Kahika to ensure a strong regional voice in the reform process.

Recommendations

That Taranaki Regional Council:

- a. receives the memorandum titled *Opportunities for Freshwater Reform*
- b. notes that opportunities to influence the initial form of the Government's freshwater reforms will likely require quick response over the coming months
- c. notes the initial analysis presented in Attachment One *Comments on Reform of the Resource Management Act 1991 Freshwater Regime*

- d. notes that none of the policy suggestions presented would necessitate a change in the notification target of mid-2025 for the Council’s Land and Freshwater Plan
- e. notes Council officers will continue to refine the analysis, including specific drafting options, and engage closely with Te Uru Kahika in the reform process.

Background

- 5. The Government is working on an ambitious programme of resource management reform, part of which includes freshwater management. Those matters that relate specifically to freshwater, and related timelines, are set out in the below table. The wider reform programme is set out in Attachment Two, as per Cabinet Minute CAB-24-MIN-0069.

Matter	Target Dates
Amend RMA to preclude the application of Te Mana o te Wai to resource consents.	Bill introduced by end of June 2024. Act passed by end of December 2024.
Amend RMA with “minor freshwater change” and to speed up the process for national direction.	Bill introduced by end of August 2024 and passed by end of March 2025.
Amend, review and develop over a dozen national direction instruments, including for freshwater, as part of a single decision-making and engagement process.	Policy development underway now, new national direction instruments in place early 2026.
Introduce new resource management legislation to replace the RMA.	Policy development underway now, new legislation passed early 2026.

- 6. In pursuing its reform agenda, the Government has approved a set of objectives to guide its work. These are to make it easier to get things done by:
 - a. unlocking development capacity for housing and business growth
 - b. enabling delivery of high-quality infrastructure for the future, including doubling renewable energy
 - c. enabling primary sector growth and development (including aquaculture, forestry, pastoral, horticulture, and mining).

While also:

- a. safeguarding the environment and human health
- b. adapting to the effects of climate change and reducing the risks from natural hazards
- c. improving regulatory quality in the resource management system
- d. upholding Treaty of Waitangi settlements and other related arrangements.

Discussion

- 7. The Council has already been engaging with the Government to inform the shape of the reforms, especially as they relate to freshwater. Knowing that opportunities to engage at this early stage would likely be extremely short, Council staff prepared an initial analysis of where the freshwater management regime could be improved. To-date, this analysis has been provided to the Minister for the Environment and local Taranaki MPs. It has also informed the Council’s contributions to material prepared by Te Uru Kahika – the regional sector’s umbrella organisation.
- 8. The core of the analysis is that there are clear ways to improve the freshwater management regime. Principally by reducing the level of prescriptiveness in the National Policy Statement for Freshwater Management (NPS-FM) and amending the National Environment Standards for Freshwater (NES-F). However, it is also clear that Te Mana o Te Wai and the National Objectives Framework are sound concepts and core components of how communities can achieve better freshwater outcomes. The

NPS-FM already gives councils the ability to determine how quickly to move, and therefore to achieve a level of change that does not cause undue hardship or disruption.

9. None of the suggestions presented in the analysis would necessitate a change in the target notification date of mid-2025 for the Council's Land and Freshwater Plan. For example, it is unlikely any council will be able to fully apply the current NPS-FM in their first generation of compliant plans. A reduction in prescription would better legitimize this reality and enable councils to respond to the challenges most relevant to their region. While the current national bottom lines are seen as sound and should remain, even a change in them is unlikely to substantively impact current plan development. Any change in the national bottom lines does not change where we are currently at or what is achievable. The focus for this new Land and Freshwater Plan is halting decline and striving for improvements where practicable.
10. Achieving some current national bottom lines, such as the national bottom line for *E. coli* at primary contact sites, will require timescales beyond the life of the proposed plan. This will require ongoing monitoring and science to design and establish targeted catchment-based mitigations over the next 10 years and beyond.
11. The attached analysis represents an initial perspective only. To meet their timelines, the Government is looking at preparing initial policy proposals over the coming months. The Council will need to be proactive in continuing to develop its thinking, including with specific drafting suggestions, so we can influence this process at short-notice. It will also be important to work closely with Te Uru Kahika to support the regional sector's collective voice.

Financial considerations—LTP/Annual Plan

12. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

13. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the Local Government Act 2002, the Resource Management Act 1991 and the Local Government Official Information and Meetings Act 1987.

Iwi considerations

14. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the Local Government Act 2002) as outlined in the adopted Long-Term Plan and/or Annual Plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.
15. The analysis contained in Attachment One will be discussed with iwi at the next meeting of the Wai Steering Group. Feedback from this discussion will be incorporated into future iterations and any formal submissions.

Community considerations

16. This memorandum and the associated recommendations have considered the views of the community, interested and affected parties and those views have been recognised in the preparation of this memorandum.

Legal considerations

17. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices/Attachments

Document 3250686: [Comments on Reform of the Resource Management Act 1991 Freshwater Regime](#)

Document 3265156: [Resource Management Reform Timeline](#)

Comments on Reform of the Resource Management Act 1991 Freshwater Regime

Summary

- The National Policy Statement for Freshwater Management (NPS-FM) is critical for improving freshwater quality. As such, it is important that regional councils be empowered to proceed with its implementation in a timely manner. Ongoing delays in implementing new planning provisions, and the range of other actions required to improve water quality and management, will only exacerbate the size of the problem that local communities need to address.
- While improvements and clarifications can continue to be made, Te Mana o Te Wai and the National Objectives Framework are sound concepts and core components of how communities can achieve better freshwater outcomes. They also drive consistency in freshwater management and national environmental reporting.
- In our view the principle benefit that can be achieved from amending the NPS-FM is reducing its level of prescription. While it is appropriate that the NPS-FM sets out certain objectives and other matters that must be met, communities should have the flexibility to achieve these in a way suited to their local context.
- There are key opportunities to reduce bureaucracy and unnecessary costs in amending the National Environmental Standards for Freshwater.
- Freshwater farm plans are a crucial tool in improving freshwater over time. They provide for farm-specific solutions to shared, catchment-scale challenges. They can also be used to work with farmers to find achievable, innovative ways to make standard planning and consenting processes more efficient and effective.
- Achieving improvements in freshwater quality is a long-term journey that must be based on what communities can realistically achieve over time without undue hardship or disruption. The NPS-FM does provide communities the ability to determine how quickly they move.

National Policy Statement for Freshwater Management (NPS-FM)

- There is a critical need to improve freshwater quality in New Zealand, and the purpose of the NPS on addressing this issue must remain.
- This focus has remained constant over multiple versions of the NPS as expressed by both National and Labour governments.
- The expectation to improve our freshwater has also been clearly articulated by our local community during engagement as part of the NPS-FM process.

Te Mana o te Wai

- Te Mana o te Wai is a critical component of the NPS-FM. It has erroneously been interpreted as forcing choices between the health of the environment, the health of the people, and economic matters.
- Te Mana o te Wai is a management approach which sets out that, protecting the health and well-being of water and freshwater ecosystems is how you provide for the health needs of people. And protecting both of those is how you provide for social, economic and cultural well-

being. This is an established management approach. It helps ensure that we can continue to enable growth and enjoy the use of our natural resources in a sustainable way.

- Te Mana o te Wai has also been interpreted as a concept that applies solely to Māori cultural values. However, of the six principles that comprise Te Mana o te Wai, three relate to a Te Ao Māori perspective and three relate to the wider community. To help avoid this misinterpretation, providing a te Reo and English name for Te Mana o te Wai could be useful.
- Going through the full plan making process is how regions will tailor the application of Te Mana o te Wai to their local communities. This approach provides a suitable pathway for Te Mana o te Wai to flow through to resource consent decisions.

The National Objectives Framework (NOF)

- The NOF is needed to halt decline and see improvements to freshwater. It also drives national consistency in the management, measurement and communication of freshwater health.
- The national bottom lines set out in the current NPS-FM are scientifically grounded and remain largely appropriate. The best way to assess the appropriateness of the current limits is to let the current policy process run its course. Local communities still have the ability to determine how quickly they move in meeting bottom lines and if they wish to go any further.
- Decisions about how fast to move, must be based on what can realistically be achieved in each community over time without undue hardship or disruption.
- The NPS-FM has justly being criticised for being overly prescriptive. It contains “must” 138 times. While it is appropriate that councils must achieve the environmental outcomes their community set, the NPS-FM would benefit from providing greater flexibility to councils so that they can determine locally how those outcomes are measured and achieved. In first iteration plans, it will also be particularly difficult to meet many of these ‘musts’, rather it will be a case of making incremental progress over time.
- The *E.coli* component of the NOF is problematic. The *E.coli* grade is based on the lowest scoring area across four different criteria. One of these – the 95th percentile – is highly influenced by heavy rainfall. In a region like Taranaki, where such rainfall is common, achieving the improvements in this metric prescribed by the NPS-FM will be very difficult to achieve, even with comprehensive mitigations.
- In addition to the above, and for *E.coli* more broadly, analysis and technical advice is needed to determine if the current requirements are achievable. This includes the national target for primary contact, and the requirement that the target attribute state for human contact must be set above the baseline state – unless the baseline state is already at the A level.
- Monitoring responsibilities for primary contact sites go beyond the risk to human health. Regional councils are required to monitor “their suitability for the activities that take place in them.” This is an overly broad requirement and so we would suggest that it be narrowed to simply require a focus on human health.
- Very strict obligations on public consultation at multiple steps through the NOF process set out in the NPS-FM are problematic. This can risk tokenistic engagement and/or consultation fatigue amongst stakeholders. It also means councils are forced to consult at points in the process where they cannot provide a full picture to their communities. This can create inefficiency,

uncertainty and confusion. Councils should have the flexibility to consult in a manner that works best for their communities.

Wetlands

- Overall, the NPS-FM has usefully raised national awareness and recognition of wetlands across the country. While there are issues with current policies and regulations, the importance placed on protecting these critically threatened ecosystems is warranted.
- The timelines for regional councils to identify and physically map wetlands set in the NPS-FM are simply unrealistic. Greater flexibility could be provided to allow broader mapping and identification first, which then informs the prioritisation of detailed work.
- Clarification is needed as to whether riverine wetlands and streams/drainage channels are considered natural inland wetlands or not. To avoid confusion and allow for more nuanced management approaches, we would suggest that they should not be.
- There are also issues around what constitutes an induced natural inland wetland. For example, the current definition in the NPS-FM appears to define a wetland that has formed due to an unintentionally blocked culvert as a natural inland wetland.
- Despite the above issues, overall the definition of a natural inland wetland is sound. However, it is very technical and nationally led communications, guidance and education is needed to ensure consistent application.

Other matters

- The lack of clear parameters identifying what constitutes critical habitat for threatened species is problematic. Retaining the concept is important, but additional tools are needed to guide its application.
- Provisions for outstanding water bodies are onerous. Current drafting sets out that a waterbody only has to have one outstanding value to be captured. This could lead to unreasonable restrictions over a wide area. With the NPS-FM already lifting the management of all waterbodies, councils should have more flexibility to determine what an outstanding water body for their region is. Current drafting also requires protecting the significant, not just outstanding, values. This largely defeats the point of specifying outstanding values in the first place.
- The recent Port Otago Supreme Court decision held that while avoidance policies are directive in that material harm should not occur, there are also other directive policies that create an obligation for an activity to occur, and one type of policy does not automatically trump the other. The impacts of this decision across national policy statements needs to be assessed.

National Environmental Standards Freshwater (NES-F)

- The permitted activity standards throughout the NES-F are a textbook example of poor drafting. Permitted activity standards must be comprehensible to a reasonably informed, but not necessarily expert, person. Those in the NES require significant technical input and it is often perceived as easier to just apply for a resource consent. For example, the permitted activity standards set out in regulation 55 are four pages long and the source of significant confusion in the community.
- Some permitted activity standards are also arguably redundant. For example, the permitted activity standards under regulation 13 for stockholding areas require the area be sealed so that

water cannot permeate faster than a certain rate and the area be 50m away from any water body or drain. If an area is appropriately sealed and effluent appropriately managed, the setback condition appears onerous in many circumstances.

- The approach to urban development is too blunt. Either it is not regulated or it is a restricted discretionary activity. How consenting authorities should address conflict with the NPS on Urban Development is also not addressed. Some of the urban development provisions also blur the boundaries between regional council and territorial authority responsibilities.
- The NES-F provides a poorly detailed discretionary activity pathway for land conversion to dairy, irrigation of dairy farm land, and the use of land as dairy support. Regulation 24 sets out that to grant the discretionary activity the council must be satisfied that contaminant loads relative to 2 September 2020 will not increase. Proving this is a significant challenge. That these activities are discretionary is appropriate. But the regulations would benefit from additional detail, or separate guidance, on the assessment of contaminant loads.
- Improvement in monitoring and reporting regarding fish passage is crucial, but some of the requirements set out in regulations 61-69 are onerous for land owners. In particular, identifying the types of species present and whether their passage is impeded would likely require the advice of a technical expert. This goes against established practice in good permitted activity drafting.
- The current rules in the NES-F managing the effects of clean fill, quarrying and mineral extraction on natural inland wetlands work well and should be retained.

Stock Exclusion Regulations

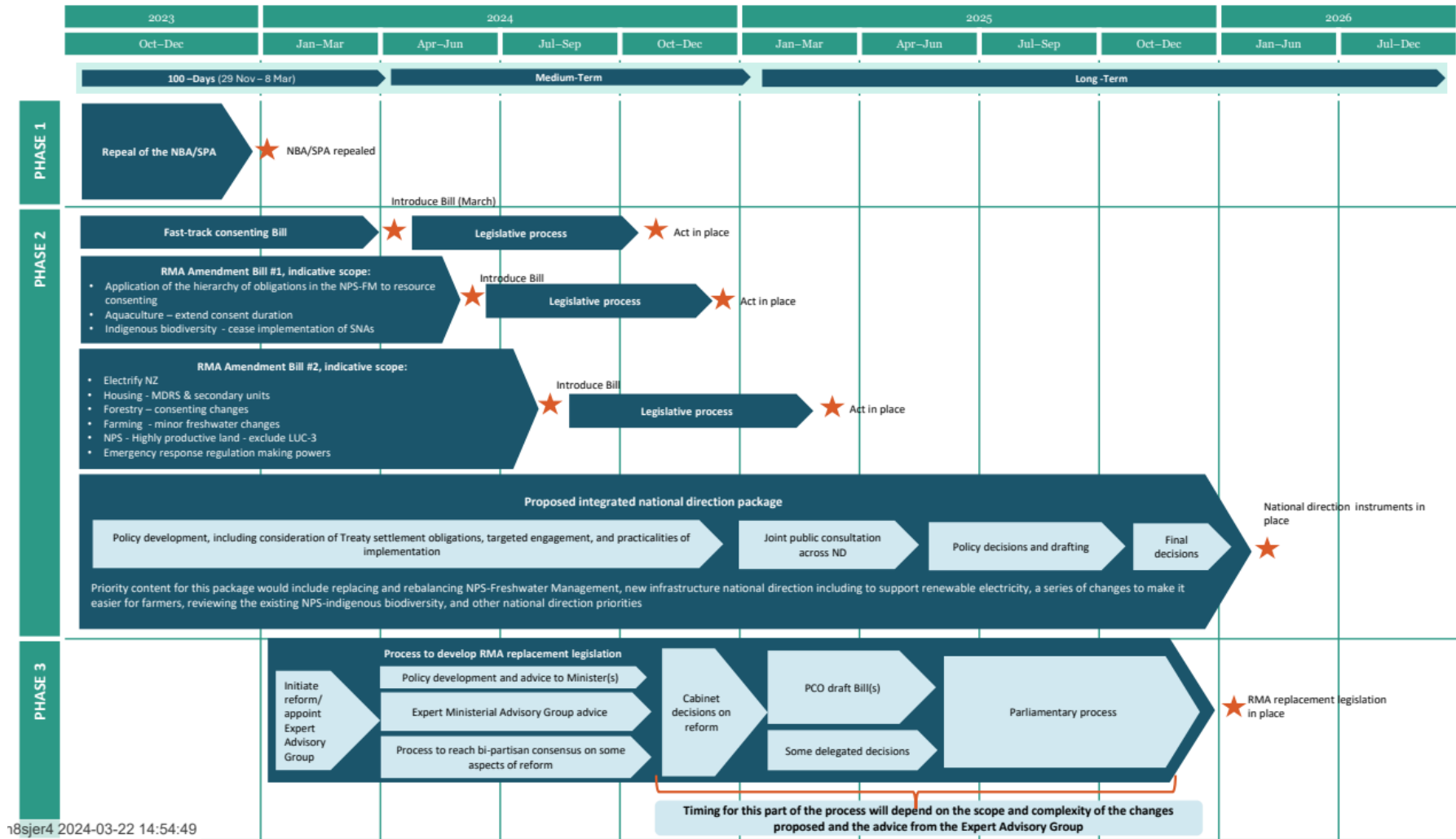
- The stock exclusion regulations have been a source of confusion amongst the community. For example, some have interpreted them as requiring costly 8 wire fences, which if used exclusively, would threaten the viability of some farms. However, the regulations already provide for cheaper solutions. These include temporary fences and one wire permanent fences that exclude cattle but not sheep – sheep are not required to be excluded under the regulations. Clarity on these matters would be beneficial.
- In many situations, earthworks are required within 10 meters of a natural inland wetland to fence the area. In some areas this work cannot meet the current permitted activity standards in the NES-F. Excluding stock from sensitive wetlands should be a permitted activity subject to certain criteria.
- The identification of wetlands containing threatened species that are less than 0.05ha is difficult and will take time. It is unrealistic to have these areas fenced by July 2025. In some cases, it is not practical at all to fence these areas. This risks perverse outcomes where farmers remove threatened species to avoid fencing.

Freshwater Farm Plans

- Freshwater farm plans are a crucial and efficient tool for improving freshwater quality. They provide a farm-specific approach and have considerable ability to allow more tailored use of traditional permitted activity or resource consent pathways.
- For example, councils can make greater use of permitted activity standards knowing that the freshwater farm plan system will enforce those standards (reducing the need for compliance staff at the council to do so).

- Freshwater farm plans can also offer an alternative pathway for complying with permitted activity standards – and therefore avoiding the need to obtain a consent. This is currently done in the NES-F (e.g. stockholding areas and intensive winter grazing).
- Some farms will have such a low risk-profile (e.g. farms with no waterways) that re-certification along the same timelines as others would pose an unnecessary cost. It might be possible to create a pathway whereby a farm can apply to a regional council for an extension on when rectification is required, where the risks to freshwater are low.
- Consideration should be given to a national digital template to make the process easier for farm operators. While this would reduce flexibility farm operators have in preparing their plan, this could be mitigated through making the template optional if needed.

Resource Management Reform Timeline



18sjer4 2024-03-22 14:54:49



Date: 30 April 2024

Subject: Fast Track Bill: Te Uru Kahika Submission

Author: F Kiddle, Policy Analyst

Approved by: A D McLay, Director - Resource Management

Document: 3265775

Purpose

1. To present to the Taranaki Regional Council (the Council) the Te Uru Kahika submission on the Fast-Track Approvals Bill (the Bill).

Executive summary

2. The overall purpose of the Fast-Track Approvals Bill is to provide a streamlined decision-making process to facilitate the delivery of infrastructure and development projects with significant regional or national benefits. It is based heavily on the COVID-19 Recovery (Fast-track Consenting) Act 2020. However, it departs from this act in a number of significant ways. This includes ministers, rather than an expert panel, being the key decision makers; sustainable management being given less weighting in decision-making; the Minister for the Environment no longer having a substantive role in the process; and no reference being made to the principles of the Treaty of Waitangi.
3. Council officers have been part of the cross-council working group contributing to the Te Uru Kahika submission on the Bill. The general approach is to acknowledge the Government's intention in the Bill, but note significant concerns in the Bill's drafting. The submission has been approved by regional sector chief executives and makes tangible suggestions on how the Bill can be improved.

Recommendations

That Taranaki Regional Council:

- a) receives the memorandum titled Fast Track Bill: Te Uru Kahika Submission
- b) notes the submission contained in Attachment One.

Background

4. The purpose of the Fast-track Approvals Bill is to provide a streamlined decision-making process to facilitate the delivery of infrastructure and development projects with significant regional or national benefits. To do this, the Bill provides for approvals across multiple pieces of legislation. These are the:
 - a. Resource Management Act 1991 (RMA);
 - b. Conservation Act 1987;

- c. Wildlife Act 1953;
 - d. Freshwater Fisheries Regulations 1983;
 - e. Reserves Act 1977;
 - f. Heritage New Zealand Pouhere Taonga Act 2014;
 - g. Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012;
 - h. Crown Minerals Act 1991; and
 - i. Fisheries Act 1996.
5. A project can become eligible for fast tracking under two proposed pathways. The first are projects listed directly in the Bill. These are currently being assessed by an advisory group. Ministers will then consider their recommendations and add projects to the Bill through a supplementary order paper. The other option is for projects to go through the referral process when the Bill is passed. These projects must apply to ministers for referral, with the ministers required to assess the project against a range of matters in deciding whether to accept it or not.
 6. Once a project is approved through one of the pathways, it is referred to an expert panel for consideration. An expert panel will have six months to review a project and recommend any relevant consent or permit conditions. The project will then be sent back to ministers who may approve or decline the project, or refer the project back to the expert panel if they consider that the conditions are too onerous.
 7. The Bill is heavily based on the COVID-19 Recovery (Fast-track Consenting) Act 2020. However, it departs from this Act in a number of key ways:
 - a. The overall purpose of the Bill does not include a reference to sustainable management. Instead focusing solely on the delivery of projects with regional or national benefits. This purpose is also given more weighting than the purposes of other legislation, such as the RMA.
 - b. The Bill applies to multiple pieces of legislation, the COVID-19 Recovery Act only applied to the RMA.
 - c. The COVID-19 Recovery Act included a clause whereby persons acting under it must act in a manner consistent with the principles of the Treaty of Waitangi and Treaty settlements. The Bill makes no reference to the principles. It also precludes consideration of Treaty principles when making decisions under the other legislation covered by the Bill, such as the RMA.
 - d. The COVID-19 Recovery Act excluded prohibited activities under the RMA, the Bill does not.
 - e. The Minister for the Environment, and Minister for Conservation, where the project would occur in the coastal marine area, made referral decisions under the COVID-19 Recovery Act. Under the Bill, referral decisions are made by a combination of Ministers for Infrastructure, Transport, Regional Development, Conservation and the Minister Responsible for the Crown Minerals Act, depending on the application.
 - f. Under the COVID-19 Recovery Act, the expert panel makes the final decision regarding an application. Under the Bill, final say goes to the ministers.

Discussion

8. Council officers have been part of the cross-council working group contributing to the Te Uru Kahika submission on the Bill. The drafting process has been robust. After multiple discussions amongst the working group, a list of high-level priority submission points were circulated to all regional sector chief executives. Feedback was then incorporated into the final submission to be approved by regional sector chief executives.
9. The full submission is contained in Attachment One. With submissions closing on 19 April, a summary of the submission cannot be included in this covering memorandum due to time limitations. The general approach in the submission is to acknowledge the Government's intention in the Bill, but note

significant concerns in the Bill's drafting. The outcomes sought by the Bill have merit, and if designed well can deliver tangible benefits for communities. The submission provides detailed comment on how the Bill can be improved.

Financial considerations—LTP/Annual Plan

10. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

11. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the Local Government Act 2002, the Resource Management Act 1991 and the Local Government Official Information and Meetings Act 1987.

Iwi considerations

12. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the Local Government Act 2002) as outlined in the adopted Long-Term Plan and/or Annual Plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Community considerations

13. This memorandum and the associated recommendations have considered the views of the community, interested and affected parties and those views have been recognised in the preparation of this memorandum.

Legal considerations

14. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices/Attachments

Document 3267003: [Te Uru Kahika Submission on Fast Track Bill](#)



19 APRIL 2024
ENVIRONMENT SELECT COMMITTEE
PARLIAMENT BUILDINGS
WELLINGTON

VIA EMAIL TO: EN@PARLIAMENT.GOV.NZ

Tēnā koutou katoa

Te Uru Kahika (Regional and Unitary Councils Aotearoa) thanks the Environment Select Committee for the opportunity to submit on the Fast-track Approvals Bill.

Te Uru Kahika is the Regional and Unitary Councils' collective voice, representing New Zealand's 16 regional and unitary councils. This sector submission is based upon input from several groups within Te Uru Kahika – including Ngā Kairapu, the Resource Management Group, other key group leads and specialist subject matter experts.

The role of these groups is to provide the regional CEOs with tactical advice and expertise on a range of issues, as well as working with Central Government to achieve a range of outcomes. The Te Uru Kahika network also plays a vital role in championing best practice, information sharing and collaboration across councils.

At the outset we wish to acknowledge the Government's intention to streamline regulatory processes to unlock New Zealand's potential. We recognise that this Bill fits within the Government's broader Resource Management Reform programme, and that more substantive matters are intended to be addressed during the remainder of Phase 2 and into Phase 3 to deliver on its goals.

A fast-tracking process, akin to the existing fast-track legislation, has a place in a modern resource management system. If designed well an efficient 'one stop shop' approvals system may be capable of delivering the tangible benefits Ministers envisage for our regional communities.

To add value, we believe this Bill should be adjusted in a number of critical areas to ensure these goals are met, while providing for other key system inputs and outcomes. A rebalancing of environmental protection and a fairer more inclusive process for Māori (iwi and hapū) to support good outcomes at place are key to this, as is adjusting other key areas of process highlighted in the submission.

Regional Government will be a critical partner in the implementation of a new fast-track system. Our involvement in the approvals process is crucial to ensure it can be agile and adaptable in the new system. We want to continue to work productively with Central Government, and other system partners, to ensure its resource management work programme can be implemented successfully.

Our Sector's Chief Science Advisor have provided detailed commentary on more specific matters that should be addressed. These are set out in the General Comment section of the submission.

This submission does not override the position taken by individual regional and unitary council submissions. Where an individual member council's submission is not aligned with this submission, the view of the member council on a particular point is confirmed as their position on that matter.



We welcome the opportunity to give feedback on the Bill and our contribution aims to ensure the new fast-track approvals system can be implemented, and resource management system goals can be achieved.

This submission is approved by the Regional Chief Executive Officers.

On matters arising from this submission, contact in the first instance should be made with:

Al Cross
Director – Resource Management Reform
Te Uru Kahika
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We wish to be heard in support of our submission.

Nāku iti noa, nā

pp

Michael McCartney
CONVENOR – REGIONAL CHIEF EXECUTIVE OFFICERS GROUP
TE URU KAHIKA – REGIONAL AND UNITARY COUNCILS AOTEAROA

INTRODUCTION

1. This submission:
 - Is approved by Regional Council Chief Executives.
 - Provides a platform for productive engagement with Central Government, and other system partners for Bill refinement and implementation.
 - Provides additional comment from the Regional Government Sector Chief Science Advisor.
2. This submission identifies aspects of the fast-track approvals reform that are supported and makes recommendations in relation to improving drafting of the Bill to enhance its workability in the following eight key areas.
 - Bill Purpose
 - Treaty of Waitangi obligations
 - Decision-making and process transparency
 - Process participation
 - Avoiding harmful activities
 - Cost recovery
 - Project tracks and eligibility requirements
 - Evidence-based decision making
3. Te Uru Kahika thanks the Environment Select Committee again for the opportunity to submit on the Fast-track Approvals Bill.

EXECUTIVE SUMMARY

4. Te Uru Kahika understands that this Bill forms part of the Government's near-term Resource Management Reform programme. We further understand that its intent is to enable a range of projects to move through the approvals system toward implementation at relative pace, reducing delay and saving cost.
5. A fast-tracking process, akin to the existing fast-track legislation, has a place in a modern resource management system. We believe some changes are required for it to perform effectively.
6. A rebalancing of environmental protection in the form of sustainable management and a fairer more inclusive process for Māori (iwi and hapū) to support good outcomes at place are key areas we believe need attention. Other possible process improvements are highlighted in the submission.
7. We suggest some general process changes that seek to improve process participation in a way that contributes to better outcomes and successful project implementation.
8. Regional Government is a critical partner in the implementation of a new fast-track system. We have substantial experience in regulatory implementation, and an in-depth understanding of our respective regions, including their environments and communities. We seek a stronger role in the approvals system to ensure it can be successfully delivered.



9. We ask the Select Committee to adjust the Bill in eight key areas as a matter of priority to ensure reform programme goals are met. In summary:
1. Bill Purpose: Rebalance to place fast-track development goals alongside a secondary focus on sustainable management; and apply a sunset clause to fast-track legislation to tie into Resource Management Act 1991 proposed replacement.
 2. Treaty of Waitangi obligations: Broaden obligations to take into account the principles of the Treaty of Waitangi and to uphold iwi and hāpu rights and interests through inclusion of a Treaty principles clause; and enable non-settled iwi and hapū the same access to the fast-track process and consultation obligations as settled iwi.
 3. Decision-making and process transparency: Shift approvals decision-making to expert panels; and improve decision-making transparency by making information available throughout the approvals process.
 4. Process participation: We recommend process timeframe changes including through the pre-lodgement stage and some extensions to make the overall process more workable for councils. A new process for developing consent conditions and caucusing options is also recommended, as well as mandatory consultation.
 5. Avoiding harmful activities: Replace the focus on activity status for eligible activities with the avoidance of long-term irreversible harm.
 6. Cost recovery: Extend cost-recovery provisions to enable councils to charge for reasonable costs of providing pre-lodgement advice to applicants; and clarify provision for councils to recover costs for assessing and reporting on applications to expert panels. Cost-recovery provisions also need to include iwi and hapū.
 7. Project tracks and eligibility requirements: Consideration of project eligibility criteria should be made mandatory. We also recommend that projects already declined through other processes, where they are re-presented in their previous form, be made ineligible.
 8. Evidence-based decision making: The introduction of fast-track legislation brings a critical opportunity to enhance the integrity, robustness, and transparency of scientific evidence and its use in fast-track approvals decision-making.
10. This submission is approved by the Regional Chief Executive Officers but does not override the position taken by individual regional and unitary council submissions.
11. Where an individual member council's submission is not aligned with this submission, the view of the member council on a particular point is confirmed as their position on that matter.

KEY ISSUES

Purpose of the Bill – sustainable management rebalanced

12. As stand-alone legislation, the Bill's purpose should extend beyond the facilitation of projects and requires rebalancing to ensure its considerations are broader than just economic, to also include sustainable management as a secondary focus.
13. We suggest the outcomes focus of the Bill could be clearer, so that it reflects fast-track development goals alongside the secondary focus on sustainable management.
14. Sustainable management is a concept that has been legally tested through three decades of resource management practice. Reference to it offers clarity for decision-making without needing to cause undue delay to the fast-track process.
15. We understand that alternatives to sustainable management are suggested by some submitting councils, given the broad focus of the proposed approvals regime beyond the Resource Management Act 1991 (RMA). As such we would be open to considering alternative wording picking up on the management of the environment and environmental effects.
16. From the perspective of Regional Government, a clearer rebalanced purpose enables environmental protection, climate adaptation and natural hazards risk-management to be accounted for in proposals, assessments, and decision-making.
17. Te Uru Kahika does not support significant environmental trade-offs being enabled by the Bill. It is unclear whether such trade-offs are intended in the Bill, so this needs to be made very clear in drafting, to avoid the potential for unintended environmental consequences.
18. Finally, we recommend applying a sunset clause to the fast-track approvals legislation, so that it ties in with the programmed replacement to the RMA. Ongoing fast-track provisions could be integrated into those bill(s) as they are drafted.

Treaty of Waitangi clause and equal access to process

19. Te Uru Kahika recognises the Bill's intent to uphold Treaty of Waitangi Settlements and other Treaty-related commitments and arrangements, and engagement and other procedural requirements through the various application and decision-making process points. The Bill needs to go further.
20. Requirements to *take into account* the principles of the Treaty are absent.
21. In addition, non-settled iwi and hapū must be enabled the same access to various parts of the fast-track process as settled groups, including obligations to consult. Our recommendations about the importance of general access, timeframes and cost-recovery apply to iwi and hapū in a similar way to councils and other key system parties.
22. The Bill also appears to diminish local decision making and an evolving history of planning and community preferences tied in sustainable management and environmental protection that have increasingly woven to reflect tangata whenua preferences.

23. Ineligibility for projects on Māori land should be revised so that unnecessary barriers to Māori use of the fast-track process are removed.
24. We ask the Select Committee to engage with Māori groups who hold rights and interests to shape possible changes presented above.

Strengthening decision-making and process transparency

25. Our Sector's strong preference is for decision-making to be the charge of expert panels, appointed for their inherent expertise and capability. Many potential panel members have proven their ability to assess and make decisions at pace through the COVID fast-track regime. Furthermore, by removing a layer of decision-making, system efficiency would be improved. We also suggest where applications are recommended to be declined, these would go to the Joint-Ministers for a final decision.
26. Decision-making transparency should be improved. Regardless of where decisions are made, decision-making transparency can be enhanced by requiring circulation of recommendations or decisions and associated rationale (including how Local Government advice has been considered); and in the case of ministerial decision-making, making available official advice provided to Ministers and responses to expert panel recommendations.
27. We also believe the consideration of Local Government planning frameworks and regional strategies should be made mandatory. Local views otherwise risk being by-passed for expedience.

Enhancing effective participation in the fast-tracking process

28. We recognise that a successful fast-tracking system is underpinned by keeping a lid on process timeframes. In our view process steps between application lodgement and consideration by the expert panel are too short for very large and/or complex projects, limiting effective input by councils and other parties. The process and associated timeframes, up to a limit, could be adjusted at the discretion of the EPA to account for the requirements of particular applications.
29. Te Uru Kahika suggests adding in a pre-lodgement stage bounded by set timeframes (for pre-lodgement engagement and specific inputs required from councils). Evidence shows that good pre-lodgement engagement builds quality applications, capable of being approved and successfully implemented. This is especially important where there are significant implications for infrastructure provision by councils, such as consideration of demands on infrastructure (including roading and wastewater), project sequencing and infrastructure funding. Set timeframes provides certainty for all in the pre-lodgement process.
30. In addition, to provide certainty for project applicants, set clear timeframes through all steps in the process, including for Ministerial decision-making.
31. More effective participation from Regional Government can add considerable value at the expert panel stage, and we suggest councils be required to prepare a report to assist the expert panel (akin to those required under s87F RMA).
32. The workability of consent decisions has a bearing on the practical implementation of projects approved. Councils will receive the outcomes of decisions including responsibilities to defend



them on appeal and in every case a duty to monitor approved projects. For these reasons, we believe it reasonable to build in steps for greater involvement of Local Government in a few key parts of the process. These include:

- Requiring conditions to be developed by applicants and councils, with the option to bring in other participants on merit based on circumstances.
 - Providing an option to expert panels to direct caucusing with participants, in lieu of a hearing, while still maintaining process efficiency.
33. Ultimately, we believe changes to timeframes and participation as suggested would improve overall outcomes for applicants, councils, iwi and hapū and communities but need not significantly impact on project approval timeframes.

Avoiding activities which cause irreversible effects – prohibited activities

34. Prohibited classification in Local Government planning frameworks is a proven, effective tool to restrict a consenting pathway, and reflects national direction for activities and effects deemed unacceptable.
35. Activities prohibited by Regional Plans, have been determined through a robust plan-making process, involving local communities.
36. Instead of focussing on the (prohibited) status of activities, we suggest a broad assessment of fast-track applications based on the potential for long-term and significant irreversible harm. Projects or their constituent parts which fall into this bracket would need to be adjusted (via applications) to avoid these harms or be declined. The burden of proof would fall on applicants to demonstrate the project applications will not result in the potential for long-term and significant irreversible harm. Otherwise, long-term negative legacies for communities and iwi and hapū may endure.
37. Exceptions could be made to those projects which carry a proven critical public benefit (such as to reduce a significant immediate risk to life and property), where no viable alternative exists.

Cost recovery to be extended, and expert panel rates

38. The cost-recovery regime under this Bill needs to be broadened and rebalanced. While an improvement on the COVID fast track regime, ratepayers should not be expected to pick up the full tab for councils' functions in relation to pre-lodgement advice to applicants and assessing and reporting on applications. It seems fair to expect applicants to pay reasonable costs for council inputs, which needs to be made more explicit in the Bill.
39. In addition, cost-recovery provisions in the Bill ought to be extended to include reasonable costs incurred by iwi and hapū in participating in fast-track processes.
40. Fees and charges should be set in the new legislation, until superseded by respective councils charging policy review processes.
41. The scope of process cost-recovery for councils must cover both mandated duties and the exercise of discretionary powers.



Project tracks and eligibility requirement changes

42. Te Uru Kahika views Project Track B as appropriate, potentially repeating the process offered by the COVID fast-track legislation. The associated referral process is efficient, as demonstrated through councils' effective participation.
43. We are concerned about the exclusion of participation by the public, councils, iwi and hapū and other system parties from the Track A process. A range of fundamental considerations would consequently not be available to the expert advisory group. The Track A framework would offer a more balanced and transparent process of consideration were it open to public submission. Should Track A remain, we also ask that criteria for listing these projects be included in the Bill.
44. We also believe that the consideration of eligibility criteria could be made mandatory. Projects already declined through other processes and re-presented in their same form must be ineligible. Allowing such projects to be considered would not offer a "fast track", but a back door for effects already found to be unacceptable.
45. We also note the potential for a project approvals bottleneck when the fast-track legislation is enacted. Processes and expectations will need to be carefully managed to mitigate this risk.

Focussed evidence-based decision-making becomes more crucial

46. Te Uru Kahika believes the introduction of fast-track legislation brings a critical opportunity to enhance the integrity, robustness, and transparency of scientific evidence and its use in fast-track approvals decision-making.
47. Packages of evidence need to be able to be picked up, understood, and translated to inform decision-making at relative pace, overcoming inherent challenges in its use.
48. To recognise this need, we suggest the following:
 - Promote adaptive infrastructure design and monitoring throughout the fast-track approvals process.
 - Establish criteria, standards, and protocols for incorporating scientific evidence within the fast-track approvals procedure.
 - Improve availability of key scientific datasets to facilitate evidence-based decision-making.
 - Create scientific models that aid decision-makers in forecasting the effects of infrastructure and other developments on ecosystems and natural resources.
 - Strengthen decision-makers' capacity to effectively use scientific evidence.

RECOMMENDATIONS

<i>Recommendation 1: Bill Purpose</i>	
1.1	Redraft the Bill Purpose to include sustainable management as a secondary focus. Extend Bill purpose drawing from the purpose of the COVID-19 Recovery (Fast-track Consenting) Act that includes “while continuing to promote the sustainable management of natural and physical resources.”
1.2	Apply a sunset clause to the eventual fast-track approvals legislation, so that it ties in with the programmed replacement to the Resource Management Act 1991 (RMA) once the relevant bill(s) are drafted.
<i>Recommendation 2: Treaty of Waitangi</i>	
2.1	Include a Treaty principles clause includes the requirement to take into account the principles of the Treaty of Waitangi.
2.2	Ensure process steps enable reasonable access to relevant parts of the fast-track process for non-settled iwi and hapū (akin to settled Māori groups).
2.3	Remove barriers to use of Māori owned land in the ineligibility criteria.
<i>Recommendation 3: Decision-making and process transparency</i>	
3.1	Shift approvals process decision-making to expert panels.
3.2	Mirror key reporting arrangements in COVID-19 Recovery (Fast-track Consenting) Act, including making comment, providing evidence, and seeking further information.
3.3	Require that only applications recommended to be declined by the Expert Panel be referred to Ministers for final decision.
3.4	In the event decision-making rests with Ministers, include requirement for circulation of official advice to Joint-Ministers (in support of Ministerial decision-making) to inform decisions on expert panel recommendations; and Ministerial responses to expert panel recommendations, and reasons for decisions made.

3.5	Build in requirement for panels to confirm where council advice has and hasn't been followed, and why.
3.6	Make mandatory to consider Local Government planning frameworks and regional strategies.
Recommendation 4: Process participation	
4.1	Make mandatory the requirement to also consult councils and tangata whenua at the application pre-lodgement stage (section 16)
4.2	Add in a pre-lodgement stage bounded by set timeframes (for pre-lodgement engagement and specific inputs required from councils).
4.3	Increase timeframes on process steps between application the lodgement and expert panel stages.
4.4	Set clear timeframes through all steps in the fast-track approvals process, including for Ministerial decision-making.
4.5	Require councils to prepare a report to assist the expert panel (akin to those required under s87F RMA).
4.6	Require draft conditions to be developed by applicants and councils, with the option to bring in other participants on merit based on circumstances.
4.7	Provide an option to expert panels to direct caucusing with participants at expert panel stage, in lieu of a hearing.
Recommendation 5: Avoiding harmful activities	
5.1	Remove the consideration of activity status for eligible activities. Require applicants to demonstrate the project applications will not result in the potential for long-term and significant irreversible harm.
Recommendation 6: Cost-recovery	
6.1	Extend cost-recovery provisions to enable councils to charge for reasonable costs of providing pre-lodgement advice to applicants.

6.2	Clarify the provision for councils to recover costs for assessing and reporting on applications to expert panels.
6.3	Set fees and charges in the new legislation, until superseded by respective councils charging policy processes, or alternatively current council charging regimes enabled by the legislation.
Recommendation 7: Project tracks and eligibility requirements	
7.1	Make ineligible projects already declined through other processes ineligible for fast-track consenting.
7.2	Make mandatory the consideration of eligibility criteria.
Recommendation 8: Evidence-based decision-making	
	See attachment to General Comment for a series of system-related recommendations

GENERAL COMMENT

46. This submission has been compiled in full consideration of respective regional and unitary council submissions in development, and notes at a higher level similar main themes and key issues covered within these.
47. Similarly, Te Uru Kahika's submission has been made in full visibility of the LGNZ / Taituarā submission addressing matters of significant mutual interest affecting Local Government, our communities and iwi and hapū within our regions, cities, and districts.
48. Finally, system-related recommendations to support evidence-based decision-making, prepared by our Sector Chief Science Advisor, Dr Chris Daughney, are attached from page 12 of this submission.

ATTACHMENT: RECOMMENDATIONS FROM TE URU KAHIKA CHIEF SCIENCE ADVISOR

49. Our submission makes the following recommendations to enhance the integrity, robustness, and transparency of scientific evidence and its use in FTA decision-making:
50. **Recommendation 1:** Promote adaptive infrastructure design and monitoring throughout the FTA process:
- a) **Adaptive infrastructure development approaches:** Incorporating feedback loops and iterative monitoring into planning and consenting processes can enhance infrastructure resilience to evolving societal and environmental conditions. Tools like dynamic adaptive pathways planning and multi-criteria analysis offer valuable support but may require further refinement for specific settings or types of infrastructure.
 - b) **Enhanced outcome monitoring:** While scientific evidence traditionally informs infrastructure *design*, there is a growing need for science to assess its contributions to intended *outcomes* (socio-cultural, economic, and environmental).
51. **Recommendation 2:** Establish criteria, standards, and protocols for incorporating scientific evidence within the FTA procedure. This should include:
- a) **Framework for evaluating the robustness and relevance of scientific evidence:** Decision-makers need to objectively assess the strength and relevance of scientific evidence, similar to frameworks used in medical and environmental sciences, to ensure reliable and applicable evidence guides their decisions.
 - b) **Guidance on accounting for scientific uncertainty:** Decision-makers must consider and communicate scientific uncertainty effectively, balancing action with caution by developing clearer guidelines for assessing and managing uncertainty in decision-making processes.
 - c) **Updated guidance for valuing environmental assets and ecosystem services:** Improved tools for valuing ecosystems and environments are essential for better decision-making, such as updates to ecological impact assessment guidelines, enhancements to cost-benefit tools, and guidance on benefit transfer for global ecosystem valuations.
 - d) **Shared framework for evaluating hazards and risks across different threats and critical infrastructure:** Implementing a 'whole of society approach' to disaster risk reduction requires standardized approaches for assessing hazards, threats, exposure, and vulnerability to disasters like floods, droughts, wildfires, and sea-level rise.
 - e) **Improved standards for climate change risk assessments:** Addressing critical shortcomings in Climate Change Risk Assessments is vital to consider cascading impacts on communities and assets, requiring scientifically-driven standards to guide comprehensive climate change responses.
52. **Recommendation 3:** Improve availability of key scientific datasets to facilitate evidence-based decision-making:
- a) **Environmental datasets:** Real-time data from environmental monitoring stations offer crucial operational insights for various sectors like infrastructure, agriculture, and transport.

Establishing an enhanced national environmental reporting system with coordinated agency roles and funding support would ensure comprehensive data availability for informed decision-making.

- b) **Data portals:** Centralised data systems that integrate diverse information sources while respecting data sovereignty can aid decision-makers in navigating complex challenges.
 - c) **Risk assessments:** Regular updates of risk assessments at appropriate scales are essential for informed consenting, including evaluations of climate change risks and the status of freshwater and ocean environments.
 - d) **Adoption of new technologies:** Investments in advanced data collection technologies like remote sensing, drones, and real-time monitoring systems offer accurate and current information on environmental conditions, biodiversity, and ecosystem health.
53. **Recommendation 4:** Create scientific models that aid decision-makers in forecasting the effects of infrastructure and other developments on ecosystems and natural resources:
- a) **Hazard and risk forecasting:** Nationally coordinated hazard forecasting services can provide spatial and temporal likelihood assessments of extreme weather events, river flows, slope stability, marine conditions, and any related impacts on critical infrastructure.
 - b) **Hydro-ecological modelling:** Models simulating the effects of developments on freshwater and marine ecosystems, considering climate change and human activities' compounding impacts, are crucial for informed infrastructure planning.
 - c) **Greenhouse gas emissions:** Models evaluating carbon sequestration potential in terrestrial, coastal and marine environments may help infrastructure developments optimise reduction of greenhouse gas emissions.
54. **Recommendation 5:** Strengthen decision-makers' capacity to effectively use scientific evidence:
- a) **Training for Expert Panels:** Training for Expert Panels, responsible for advising Ministers on consent applications, should focus on using national guidelines, standards, datasets, and models effectively.
 - b) **Training for Local Government and Māori:** Enhancing the engagement of Local Government and Māori in the FTA process by providing training on effective participation will improve outcomes for all stakeholders.
 - c) **Training for technical advisors:** Upskilling technical advisors in interdisciplinary fields like ecology, hydrology, climatology, and social sciences will promote collaboration and broaden decision-makers' access to diverse expertise, enriching Expert Panel assessments.
 - d) **Capability-building for Māori and communities:** Capability-building is required to support iwi/hapū and communities to play active roles in infrastructure decision-making.



Date: 30 April 2024

Subject: Freshwater Implementation Update

Author: L Hawkins, Policy Manager

Approved by: A D McLay, Director - Resource Management

Document: 3265117

Purpose

1. The purpose of this memorandum is to provide a Freshwater Implementation project update.

Executive summary

2. Set out in this memorandum is an update on the progress of implementing the freshwater package from central government. The memorandum focusses on the key tasks undertaken since the previous Committee meeting, and identifies risks associated with the project and achievement of the project timeframes.
3. The attached report focusses on the key streams of work associated with the freshwater package. This being policy development, implementation of the Freshwater Farm Plan (FWFP) regulations and the communications and engagement timeline.

Recommendation

That Taranaki Regional Council:

- a) receives the March 2024 update on the Freshwater Implementation Programme.

Background

4. This memorandum updates on progress in implementing the Freshwater Package. An implementation programme was previously presented to, and approved by the Committee. This report provides an overview on the progress of the work programme, specifically focusing on the previous 6 weeks and those ahead. It provides an opportunity for discussions relating to progress and risks identified.

Discussion

5. The attached report (attachment 1) provides a high level overview of the progress made since the last Committee meeting in February 2024, and identifies those tasks to be undertaken in the coming 6 weeks. It also identifies risks associated with the programme, and a copy of the high level engagement strategy.

6. Key discussion points are included in this covering memorandum to draw attention to key areas of work.

Government announcements

7. Since the update provided at the March Policy and Planning Committee meeting, the government has not made any significant announcements regarding detail relating to updates and/or replacement of the National Policy Statement for Freshwater (NPSFM). The government however, have released a 3 year indicative work programme for reforming the Resource Management System. This programme is attached to the "Opportunities for RM reform" Memorandum also included in this Committee Agenda. That Memorandum covers the detail of the programme, however of importance to this memo is the timeframe identified for the work stream to implement new national policy direction. The update / replacement of the NPS-FM is included in this package, which aims to be in place in the first quarter of 2026. Staff continue to be involved in regional sector discussions and input to assist the government on freshwater policy development, and we expect more detail on potential changes later in 2024.

Upcoming Consultation

8. Over the previous months staff have undertaken investigations to identify Target Attribute States (TAS) and management approaches to help achieve the draft TAS. This work has focused on the following attributes – E. coli, nutrients (phosphorus and nitrogen) and sediment. Work has also been undertaken on water allocation. The details of this work is subject to another memorandum and presentation to the committee at this meeting.
9. The draft TAS and identified management approaches will form the basis of the next round of community consultation. This round will seek feedback on the draft TAS's and management approaches which have been identified to achieve the relevant TAS. This consultation will help inform the next stage of policy development which will focus on setting limits and policy and rule refinement. It expected a follow-up consultation period will be needed later in 2024 to table further policy development options.
10. The upcoming consultation is planned to commence on June 17 and will run for a period of 8 weeks, until the 9 August. The consultation will be both online (information and survey on the website) and in person with a particular focus on providing face to face opportunities to discuss consultation material.
11. Fifteen locations have been identified across the region to hold the meetings, and an update on the dates, venues and timing of these meetings will be provided to Council at the May meeting, along with an overview of consultation material. The meetings will be 'drop-in' format where staff will be available for the specified time in each location, and interested persons can drop in at a time that is convenient to them to discuss plan provisions with staff. There will be a range of both day time and evening sessions. Staff are also investigating the opportunity to host online community meetings, and discussions with Pou Taiao for each iwi are also exploring the opportunities to hold meetings at marae.
12. Staff are mindful that some of this period will fall across calving season for our agriculture community and we will plan the roll out of the community meetings around the region to be as cognisant as possible of this.

Freshwater Farm Plans

13. We continue our mahi in working towards implementing the freshwater farm plan system and key tasks currently underway are included in the attachment to this memorandum. However, recent correspondence from the government has indicated that whilst supportive of the purpose of farm plans, they are reviewing the process to make it more efficient. We expect the review to cover elements such as the role of industry led plans, restrictions on timeframes and the potential of FWFP to replace consenting requirements. Staff are continuing to work with the regional sector to engage with the government on proposed changes as they are developed.

Working with iwi

14. Work continues with the Ngā iwi o Tarankai Pou Taiao on key elements of work, including the drafting of a tangata whenua chapter to be incorporated within the Regional Plan, and scoping the integrated management and overarching objectives and policy framework.
15. Upcoming meetings are scheduled with Pou Taiao from all iwi in both April and May to seek feedback specifically on the Target Attribute State work and the management approach options. Continued conversations, with iwi and hāpu will continue to occur across the consultation period to help inform policy development.

Financial considerations—LTP/Annual Plan

16. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

17. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the Local Government Act 2002, the Resource Management Act 1991 and the Local Government Official Information and Meetings Act 1987.

Iwi considerations

18. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the Local Government Act 2002) as outlined in the adopted Long-Term Plan and/or Annual Plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum. As indicated in the body of the memorandum, engagement with iwi is ongoing through the development of the plan.

Community considerations

19. This memorandum and the associated recommendations have considered the views of the community, interested and affected parties and those views have been recognised in the preparation of this memorandum.

Legal considerations

20. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices/Attachments

Document 3266313: [Freshwater Implementation project Report](#)

<p style="text-align: center;">Freshwater Implementation Project Report to Policy & Planning Committee</p> <p style="text-align: center;">April 2024</p>			
	Progress in the last six weeks	Key tasks in the coming six weeks	Risks
National Policy Statement for Freshwater Management	<ul style="list-style-type: none"> • Work through the Māori Freshwater attributes report with iwi Pou Taiao in order to set TAS. • Continue discussions with iwi pou taiao on policy and science investigations and approach, particular focus on working through NOF process and rule framework. • Finalise draft of the visions, values and environmental outcomes framework. • Finalise target attribute state memos (including those associated with non-compulsory values) to inform policy development. • Finalise drafts of key aspects of the Region Wide Rule framework to inform consultation preparation ahead of scheduled mid-year consultation. • Prepare for discussion with Policy and Planning Committee on key policy drafting options. 	<ul style="list-style-type: none"> • Finalise nutrients target state memo to inform policy development • Preparation of consultation material for target states as well as potential management options to test with communities • Standing up a hui series with iwi pou taiao to continue discussions on: <ul style="list-style-type: none"> ▪ target states for big four attributes (flows, e.coli, sediment and nutrients) ▪ management options being investigated for consultation ▪ options for hapū and whānau level engagement during next consultation phase. • Participate in regional section conversations with regard to resource management system reform. 	<ul style="list-style-type: none"> • Medium risk – Partnership with iwi. Risk that the timeframes, complexity of issues and the need to be working in an agile manner to develop the policy framework will impact on the partnership approach being fostered. Amendments to the Pou Taiao Agreement including the setting up of a steering committee to mitigate this risk. Opportunity to consider amendment to programme to providing more time and opportunity to work through policy drafting. Continue to present progress to the Wai Steering Committee. • Medium risk – participation in the community engagement is low. Mitigated through continued promotion of process, community meetings switched to being held at various locations, targeted engagement with industry groups to lessen the load on individuals. • High risk –change to direction of the NPSFM with the new government. We can mitigate against this risk by maintaining momentum on policy development, keeping abreast of policy announcements from the government, and taking pause when necessary to confirm approach as policy guidance from the government develops.
Freshwater Farm Plans	<ul style="list-style-type: none"> • Continue work on developing the CCCV for the Waingongoro River, including preparation for discussions with industry bodies to test the approach. • Confirm approach to any changes required of OIC. • Discuss with relevant iwi for the Waingongoro the approach with hapū. • Continue work on developing the framework for regional training. 	<ul style="list-style-type: none"> • Participate in regional sector conversations to respond to government considerations for FWFP updates. • Continue work on developing the framework for regional training. • Review approach and timing for preparation of the CCCV and engagement with iwi, in light of pending government direction. 	<ul style="list-style-type: none"> • low risk – potential change to direction of FWFP regulations with the new government. The government has signalled the continuation of the FWFP process and Councils should expect an order in council, as such this is a low risk. The continuation of the programme will mitigate against any pressure to respond to an OIC when released.

Engagement and Communication Strategy (Policy Development)

Set out below is a high level summary of the engagement approach and timing for key components supporting the policy development. Also noted is a high level timeline for key communications and engagement activity. Note this engagement plan does not include Council working with their tangata whenua partners, this process is subject to an alternative approach led with the Pou Taiao and Council's Iwi communications advisor.

Phase	Stage	What	Who	Timing*
Phase 1	Seek to understand Focus: gathering info from audiences about what's important to them	This phase has covered seeking input on a variety of high level freshwater matters including visions for Freshwater in Taranaki, identification of values for freshwater management and feedback on the proposed FMU boundaries. Input has been sought through a variety of mediums including online surveys, social pinpoint, face to face meetings and drop-in sessions (ie Stratford A&P show).	Community and special interest groups.	Apr 2021 to Mar 2023
Phase 2	Test options Focus: building and discussion on options that meet the region's wants and needs	There are two key steps in this process: <ol style="list-style-type: none"> 1. Testing the building blocks of the National Objectives Framework. A discussion document for each FMU is being prepared and will cover visions, values, baselines and environmental outcomes. 2. Testing TASs and proposed management approaches. 3. Testing limits and targets. This phase will also likely include region wide policy framework discussions. 	<ol style="list-style-type: none"> 1. Community – via online consultation opportunity. Special interest groups including industry bodies, catchment groups, government agencies, district councils, environmental NGOs – via workshop discussions. 2. Community and special interest groups. A series of face to face meetings around the region and opportunity for online feedback. 3. Community and special interest groups. A series of face to face meetings around the region and opportunity for online feedback. 	Aug 2023 to November 2024
Phase 3	Present preferred solution Focus: presentation of best options (draft plan)	A draft plan will be compiled and through requirements of the RMA an opportunity for written feedback provided.	Clause 3 – listed in the RMA, and special interest groups.	Early 2025
Phase 4	Notification: Public submissions Focus: formal communication relating to Plan notification	In accordance with the approved adapted programme from Council, the Freshwater Plan and Freshwater components of the RPS will be notified by Mid 2025, pending the consideration of any further direction and detail provided by the Government on their freshwater updates. Once notified all interested parties will have the opportunity formally submit written submissions on the notified plan.	All interested parties.	Notification Mid 2025. Submission period mid – late 2025.



Date: 30 April 2023

Subject: Freshwater Target Attribute State Overview

Author: T McElroy, Science and Technology Manager and L Hawkins, Policy Manager

Approved by: AJ Matthews, Director - Environment Quality

Document: 3265122

Purpose

1. The purpose of this memorandum is to provide the Committee with an overview of the investigations and findings to identify draft Target Attribute States (TAS) to inform the freshwater plan development process, and importantly the upcoming consultation process.

Executive summary

2. A significant body of work has recently been completed to assist Council in the Freshwater Plan development process. This work has been led by the Science and Technology team, and has resulted in a series of technical memos drafted which set Target Attribute States (TAS) as part of the National Objective Framework (NOF), set out in the National Policy Statement for Freshwater Management 2020 (NPS-FM).
3. Setting TAS is a mandatory part of the NOF and is a critical stage in developing Councils new Freshwater Plan. There are a number of attributes which are included in the NPS which require TAS to be set. However, Council has focused initially on TAS for the following attributes – suspended fine sediment, nutrients (dissolved reactive phosphorus, nitrate and ammonia), *Escherichia coli* (*E. coli*) and, although not technically a NOF attribute, water allocation.
4. The undertaking of this work feeds into the development of the Freshwater Plan, and is also an important part of the upcoming consultation in June with the community.

Recommendations

That Taranaki Regional Council:

- a) receives this memorandum Target Attribute State Overview
- b) notes the attached presentation and the detail which will be presented during the Committee meeting.

Background

5. As part of the NOF requirements there are a series of compulsory attributes which are considered to be indicators of water quality health. The NPS-FM requires Councils to set target states for these attributes to identify the state which is needed to be achieved in order to fulfill the associated objectives, outcomes, values and visions which have been set through the policy framework.
6. The focus of the consultation undertaken in October 2023 was to discuss community aspirations for long terms visions for each Freshwater Management Unit (FMU), and to seek input into the environmental outcomes that are desired for each value that had been deemed important for the FMU. This work has guided the TAS setting process.
7. The NOF sets out numeric bands relevant to each individual attribute, which represent a graduated scale of impact on ecosystem health (e.g. applicable to the suspended fine sediment attribute), human contact (e.g. applicable to the *E. coli* attributes), or other identified freshwater values. Typically, the "A Band" represents a minimal level of impact and is close to reference conditions, whereas "D Band" or "E Band" represent a high level of impact, or a highly degraded condition. For many attributes, national bottom lines are set as the minimum standard that all councils must achieve.
8. Council are first required to undertake baseline assessments of each attribute to identify a baseline state. This work was undertaken in October 2023 to inform the previous community engagement. Where this baseline sits below the national bottom line, the TAS must be set at or above the national bottom line. Equally if the baseline is above the national bottom line the TAS must be set at or above the baseline, the only exception to this is where the baseline is already within the A band. TAS for attributes associated with the human contact freshwater value must be set above baseline state where the baseline is not already within the A band.
9. Timeframe must also be considered when setting TAS, linking through to when it is considered reasonable to achieve the TAS. Should the achievement of TAS be set to a timeframe longer than 10 years Council must set interim target states at intervals of no longer than 10 years, as stepping stones.
10. The TAS provide the framework for Council to identify limits on resource use that will achieve the TAS and for these limits to be included as rules in the regional freshwater plan. Council have not yet undertaken the detail of the limit setting work, this process will be undertaken in future stages following the consultation process.

Discussion

11. The TAS work responds to and builds on work undertaken in 2023 which set the baseline for the same attributes. Considering the baseline, the current state and trends, along with aligning the setting of the TAS to achieve the environmental outcomes set, TAS for each attribute has been drafted.
12. Modelling undertaken to inform each of the attributes, has considered the impact of existing management options in achieving the necessary load reductions to meet the TAS. Across all the attributes this has presented a challenging position. In many cases, continuation of existing management approaches will not alone enable minimum standards to be met for each of the attributes. Additional management approaches will need to be considered, as will the effects of climate change on the efficacy of existing practice. The management approaches proposal, both existing and future, to respond to the TAS will be presented to Council as part of the consultation material package at the May meeting.
13. The investigations demonstrate the challenge the region is facing to achieve the improvements being sought by the environmental outcomes and any improvements will require a long timeframe. In many instances achieving just one band shift in improvement is likely to be as far as can reasonably be practicable to achieve. In many instances the short term achievement is unlikely to see a shift in attribute bands, but rather will focus on a halt in the declining trends, before improvements are to be seen. This has been reflected in the draft TAS's set.

14. There are limitations to the work that has been undertaken. As mentioned above the modeling has focused on understanding the benefits in completing existing management approaches, and it has not yet been possible to model additional management approaches for all attributes. However, many of these additional management approaches reflect good land use practice and therefore it is reasonable to expect that if implemented, cumulatively these actions will move the dial in the right direction to achieve the relevant TAS overtime. Additional modelling work will need to be undertaken to supplement this existing work overtime and to inform future policy discussions.
15. Other limitations include the level of uncertainty and bias associated with information that has been used to inform this process. Water quality is highly variable through time, and in many cases, we base our assessment of water quality state and trends on monthly monitoring data. This is standard practice nationally, and is currently the best information available. However, this data represents a sample of the overall picture of water quality for any given site, and as such, there is uncertainty associated with the data. Further to this, measured data is only available where monitoring sites are established. There is bias associated with the current monitoring network, with the hill country and coastal terrace catchments generally under represented, and greater representation of mid and lower catchment 'impact' sites, relative to upper catchment 'reference sites'. This has been taken into account through the target setting process, and a bid to improve the representativeness of the monitoring network has been included in the 2024-2034 Long Term Plan proposal. Spatial modelling has been employed in this process to estimate water quality in unmonitored locations to address this issue in the short term. Again, this is standard practice nationally, and it represents the best available information. However, there is uncertainty associated with these estimates that must be acknowledged, and this is taken into account when setting TAS.
16. The attached presentation sets out the draft TAS for sediment and *E. coli* attributes, along with the assumptions, challenges and potential timeframes (including interim targets) for achieving these TAS's. There are additional target setting requirements set out for nutrients which the science team are currently working through. As such, draft TAS for these attributes will be presented separately at the Ordinary Council meeting on the 14th May. With regard to water allocation, the presentation identifies the various scenarios that have been investigated and identifies the preferred approach of staff which will be tested with the community in June to August.
17. These draft TAS's will be presented to the community in June, and feedback on where they have been set and the management approaches identified to achieve these will be sought. This consultation process will assist staff in refine policy options and limit setting, which will be tested in future consultation periods.

Financial considerations—LTP/Annual Plan

18. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

19. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the Local Government Act 2002, the Resource Management Act 1991 and the Local Government Official Information and Meetings Act 1987.

Iwi considerations

20. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the Local Government Act 2002) as outlined in the adopted Long-Term Plan and/or Annual Plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum. Additional work is being undertaken with iwi Pou Taiao to present the findings of the TAS ahead of the formal community consultation process. Any feedback received can be brought back to the committee in June. Ongoing discussions with iwi and hapu on the TAS and the corresponding policy approach will be undertaken across the coming months, aligning with broader engagement programme.

Community considerations

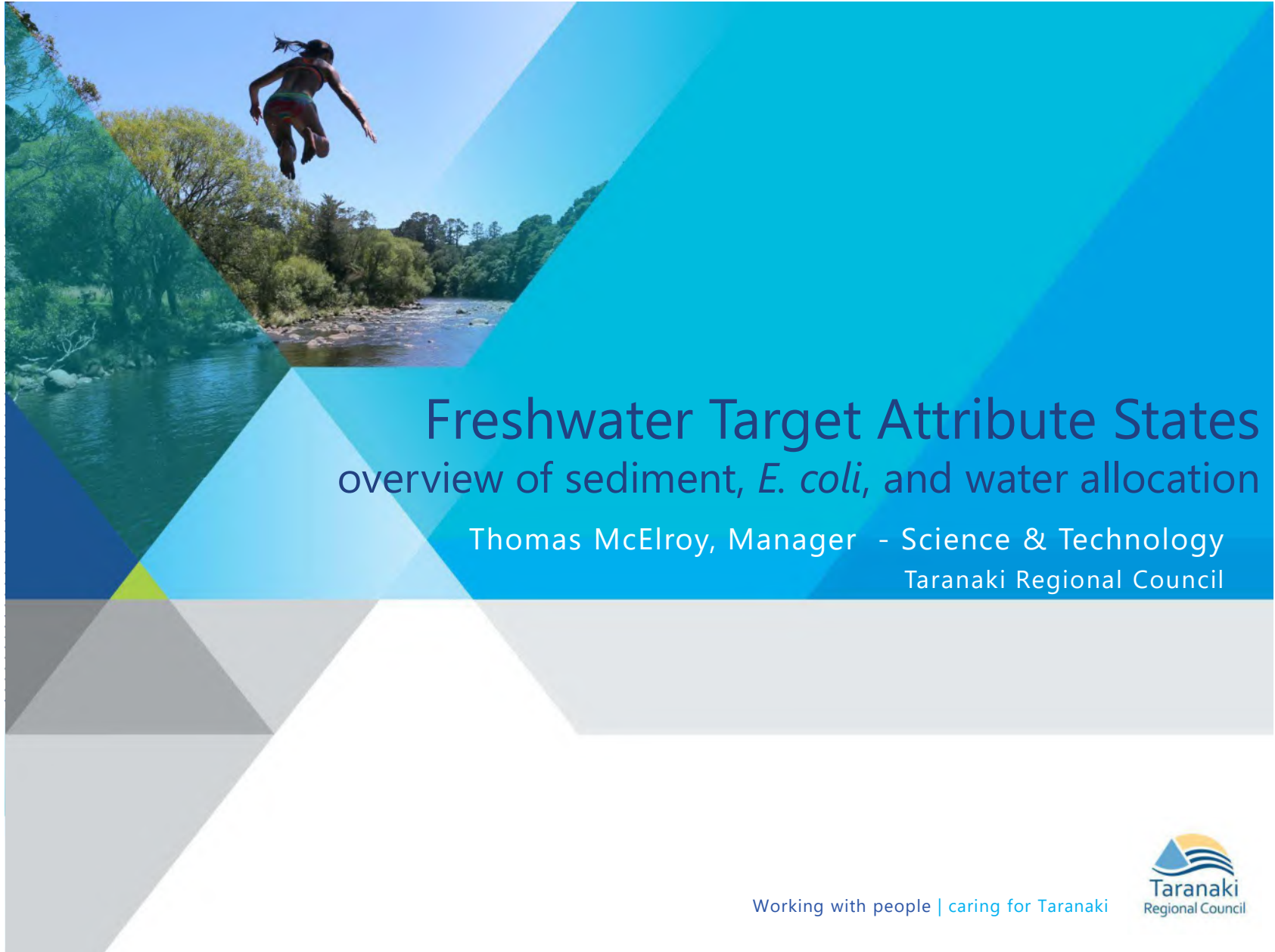
21. This memorandum and the associated recommendations have considered the views of the community, interested and affected parties and those views have been recognised in the preparation of this memorandum. The content presented to the Committee will be used to inform the upcoming community consultation programme.

Legal considerations

22. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices/Attachments

Document 3266343: [Overview of TAS presentation.](#)



Freshwater Target Attribute States overview of sediment, *E. coli*, and water allocation

Thomas McElroy, Manager - Science & Technology
Taranaki Regional Council

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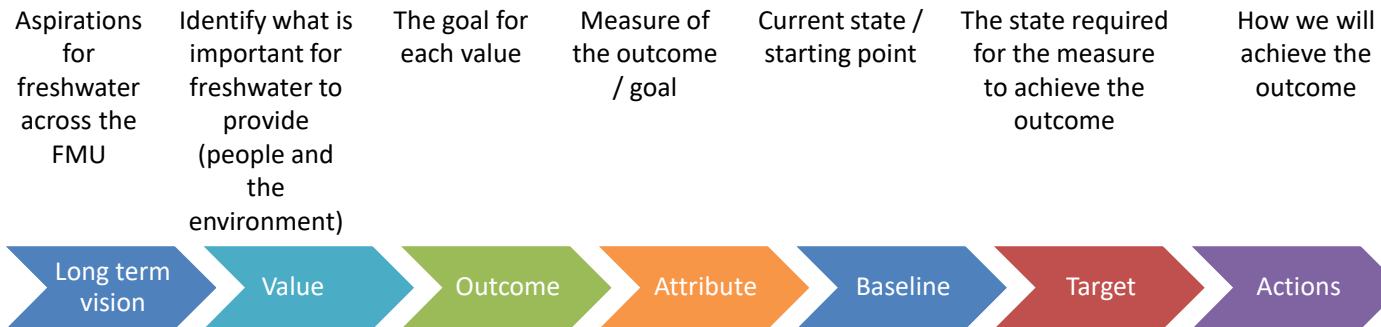


Overview

- Guiding principles and other considerations
- Suspended fine sediment
- *E. coli*
- Water allocation and minimum flows

National Objectives Framework (NOF)

- Process of bringing together policy and science
- Setting limits and actions to improve water health
- Communities to provide for the economic, social and cultural needs
- Goals must be ambitious but reasonable



NOF attributes

- 22 prescribed NOF attributes
- We've begun the target setting process by focusing on '*the big four plus flow*':
 - Nitrogen and phosphorous (not discussed today)
 - Sediment
 - *E. coli*
 - plus water allocation and minimum flows
- Managing these issues goes some of the way towards addressing the remaining attributes

Draft target setting principles

1. Target attribute states must have regard to the foreseeable impacts of **climate change**.
2. All target attribute states must either **maintain or improve** the attribute state from baseline:
 - a. to **meet or exceed national bottom lines** (except in the case of naturally occurring processes); and
 - b. to either:
 - i. **maintain** the baseline state where the baseline is considered to already achieve the relevant environmental outcomes(s)
 - ii. **improve** upon the baseline state where this is not considered to achieve the relevant environmental outcome(s).
3. Must identify the **actions/approaches/mitigations** that would be required to achieve improvements.
4. Using best available information, ensure that an identified target attribute state is **achievable** within the timeframe set in the long-term vision.
5. Where an attribute state is unlikely to meet the vision and environmental outcomes within 10 years, support the target attribute state with **interim targets** (no more than 10 year timeframes).

Best available information and uncertainty

- There is uncertainty associated with both measured and modelled data
 - Sampling frequency
 - Monitoring network bias
 - Climate change trajectories
 - Modelling assumptions
- Same challenge for all regional councils
- Quantify where possible
- Policy decisions must take this into account

Suspended fine sediment

Baseline state

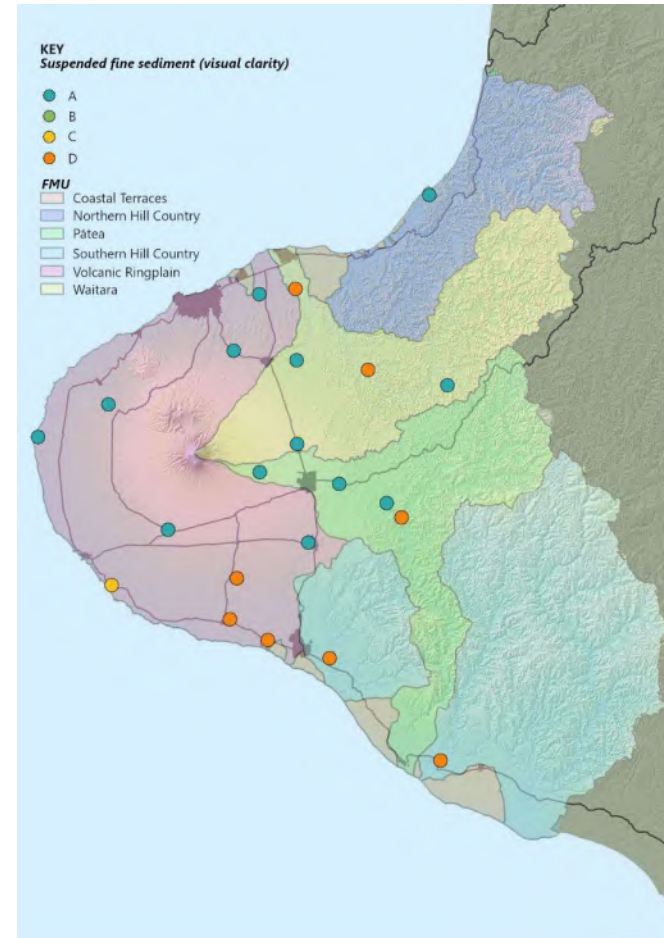
A Band: 13 sites

B Band: 0 sites

C Band: 1 site

D Band: 8 sites

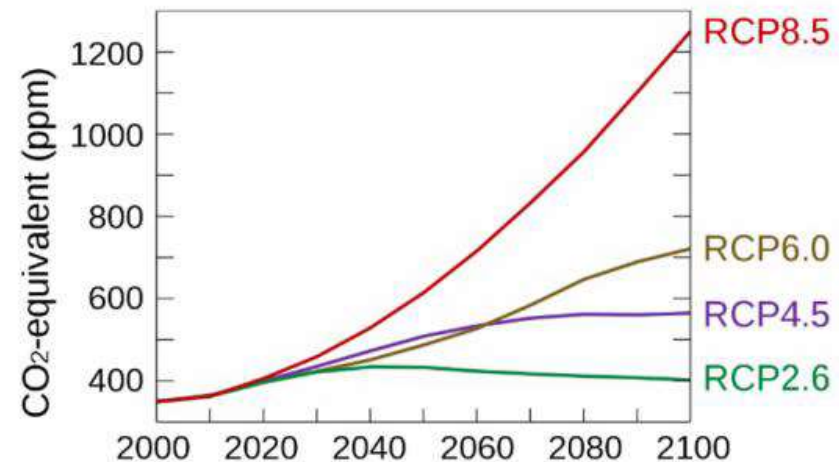
NBL



Suspended fine sediment

Scenario modelling

- Estimated 29% reduction in mean annual sediment load between 1996 and 2018.
- Sediment loads likely to increase with effects of climate change without further action.
- Fully implemented and mature soil conservation works expected to help to offset these impacts.

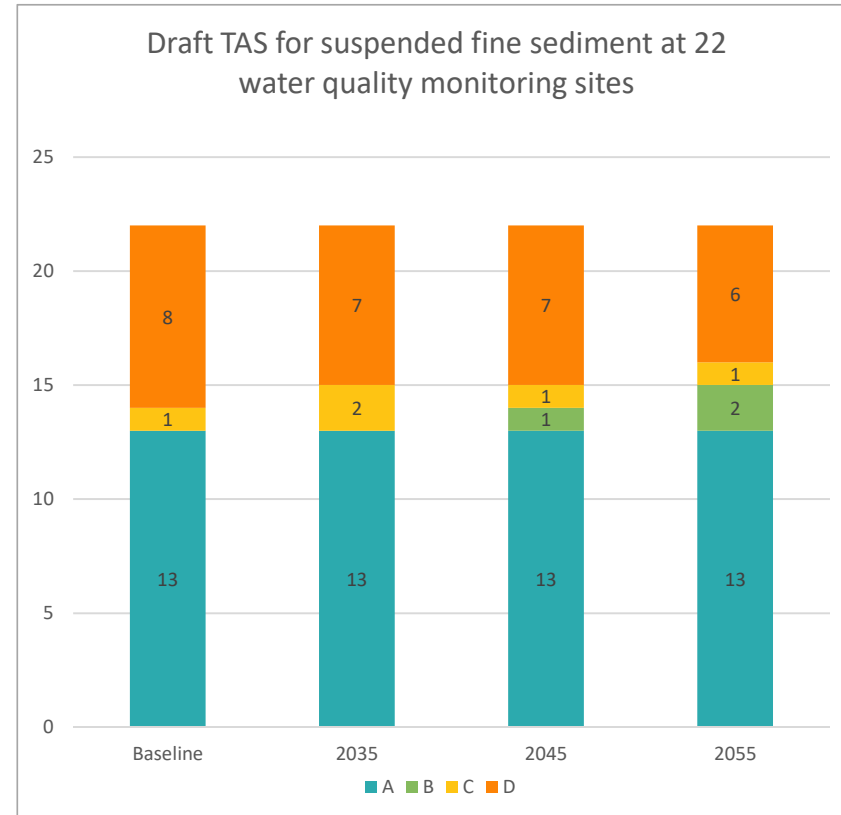


Neverman and Smith (2023)

Suspended fine sediment

Draft target attribute states

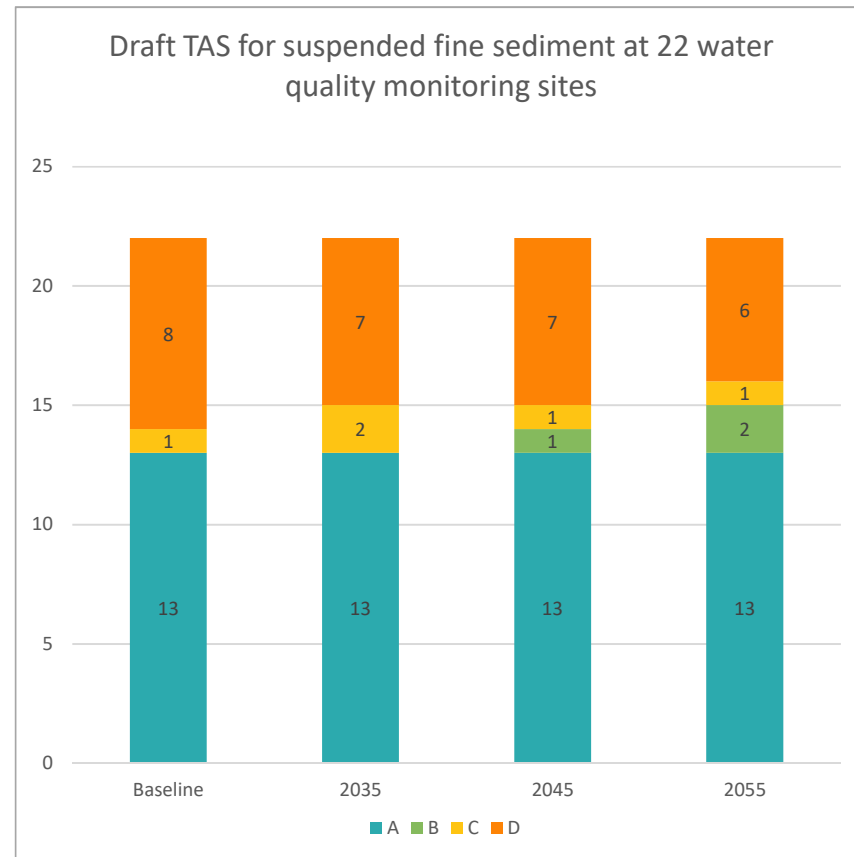
- 13 sites in A band = maintain
- Gradual improvement at remaining sites where possible
- Not possible to improve attribute bands at some sites due to contribution of sediment from natural cover areas
 - e.g. Whenuakura River at Nicholson Road



Suspended fine sediment

Draft target attribute states

- Assumes completion of comprehensive farm plans, riparian plans + additional stock exclusion
- Assumes increased storminess and landslide erosion risk due to climate change
- Additional load reduction will still be required at many sites to achieve these targets, even just to maintain visual clarity;
 - At 2045, an additional 6% to 23% additional sediment load reduction will be required at eight sites just to maintain baseline
- Additional mitigation strategies required.



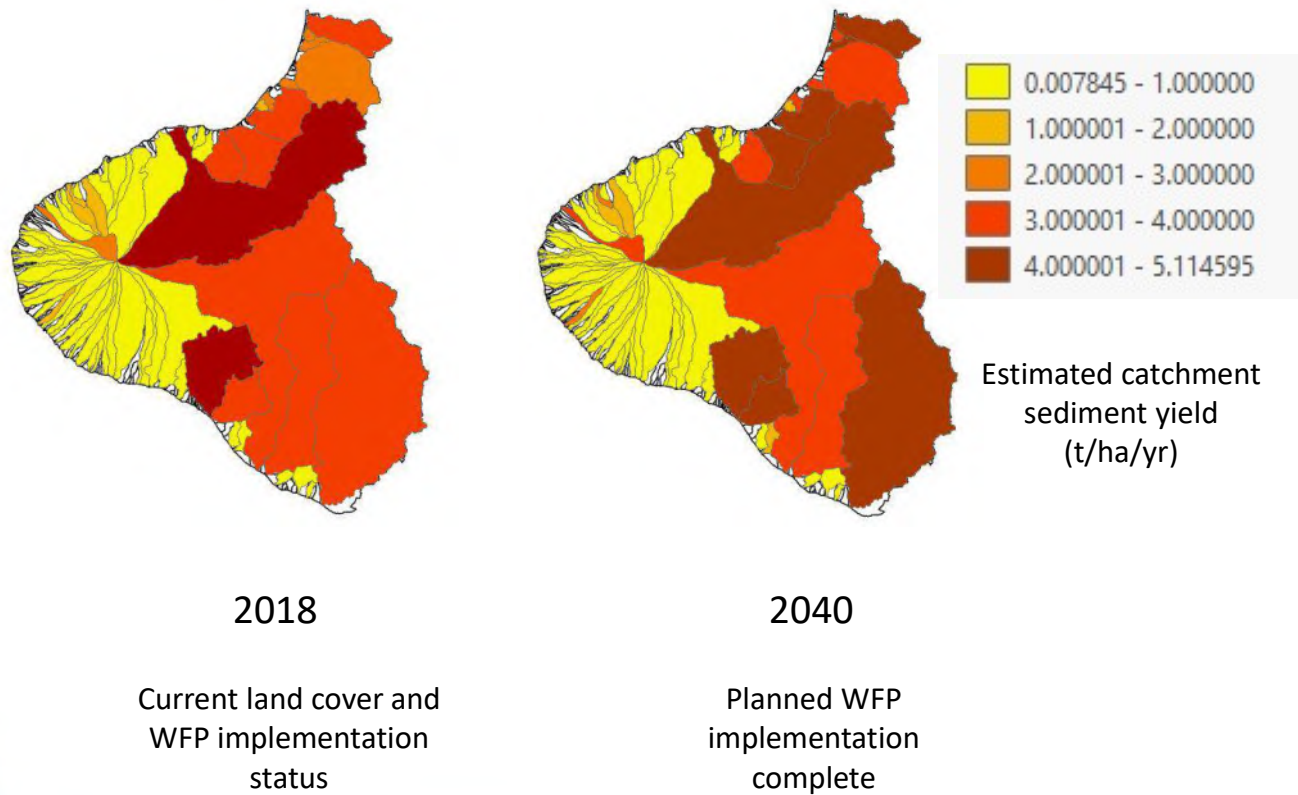
Suspended fine sediment

Further mitigation options include targeted in-field and edge-of-field measures.

- In-field measures include good management practises with land use that has increased sediment erosion risk, e.g. strategic grazing around critical source areas.
- Edge-of-field measures include things like riparian margins, sediment detainment bunds, silt fences and traps.

Suspended fine sediment

Reductions in sediment loads not just required where we set site-based targets



Escherichia coli (E. coli)

- *Escherichia coli (E. coli)* is used to indicate faecal contamination in freshwater which creates risk for human health in elevated concentrations. Contamination might come from wastewater, industry or animal effluent discharges.
- Two attributes: one region-wide (with four metrics) and one for primary contact sites (swim spots)
- Also need to consider national (and regional) swimmability targets

Escherichia coli (E. coli)

Baseline state
(regional river sites)

A Band: 2 sites

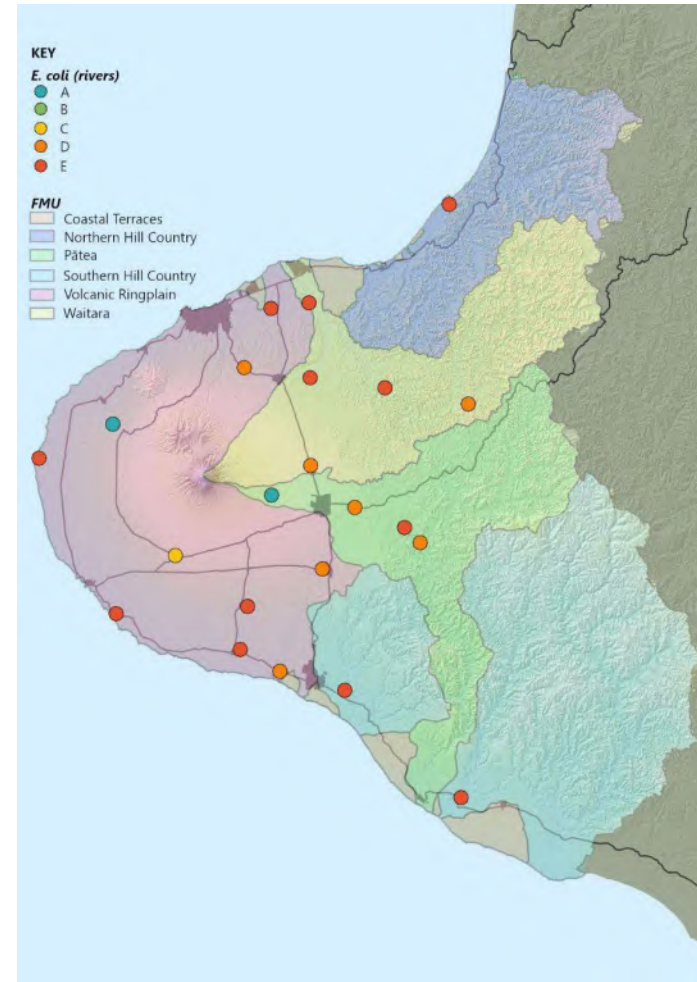
B Band: 0 sites

C Band: 1 site

D Band: 7 sites

E Band: 12 sites

Minimum
'swimmable'
standard



Escherichia coli (E. coli)

Baseline state
(primary contact sites)

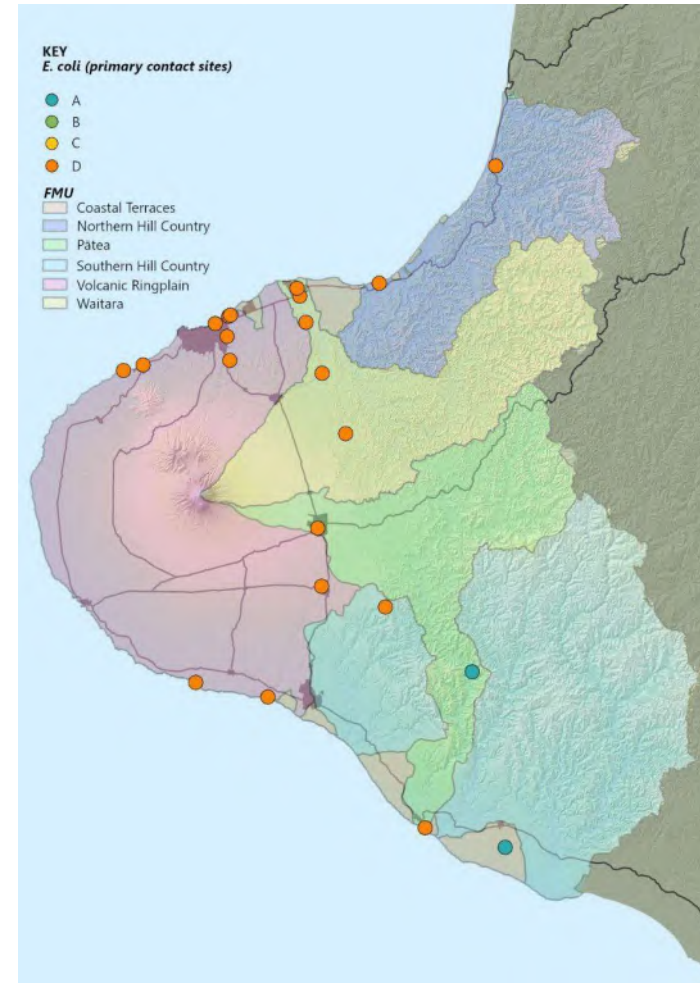
A Band: 2 sites

B Band: 0 sites

C Band: 0 site

D Band: 20 sites

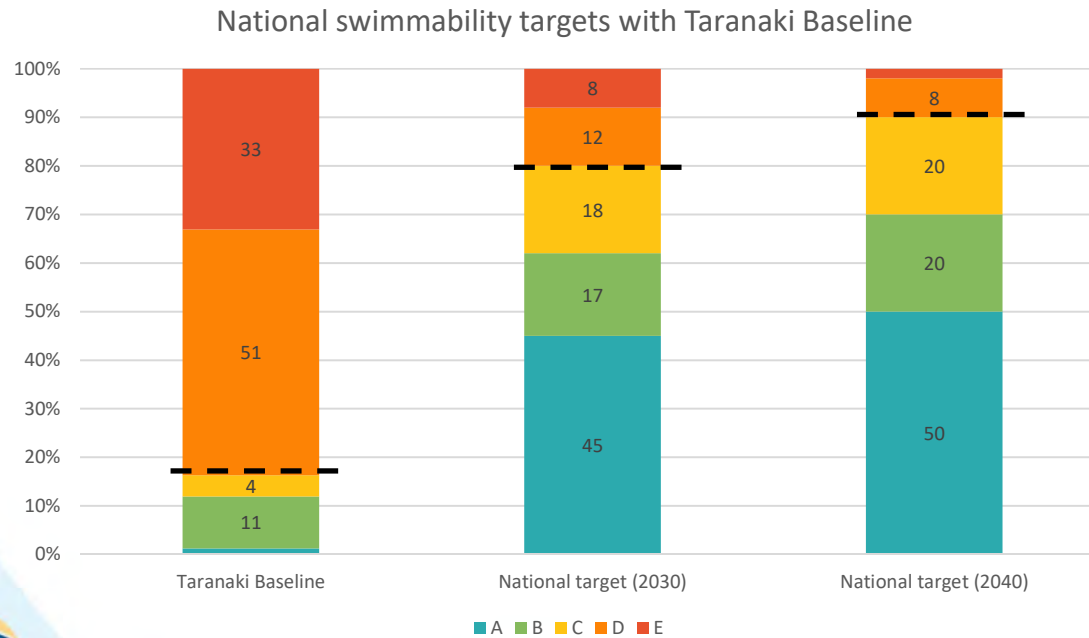
Minimum
'swimmable'
standard



Escherichia coli (E. coli)

Baseline state

(national swimmability targets for rivers based on proportion of higher order stream reach)

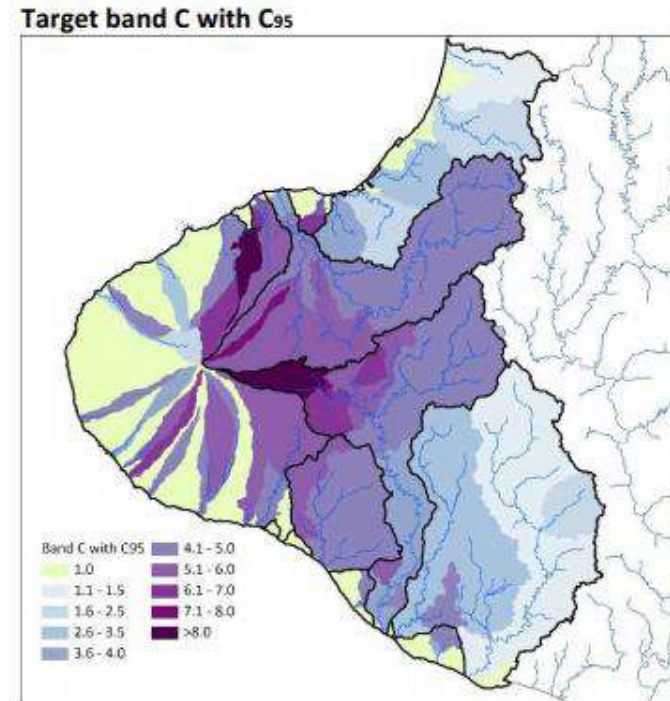


Regional target proposed by TRC in 2018 based on previous NPS-FM was for 50-55% of higher order streams to achieve C band or better by 2030

Escherichia coli (E. coli)

Scenario modelling; load reduction analysis

- to achieve D band at all sites, an 11.5% average reduction in load across the region is required
- to achieve C band, a ~50% average reduction in load is required
- to achieve B band or A band, even larger reductions in source loads would be required



Semadeni-Davies et al. (2024)

Escherichia coli (E. coli)

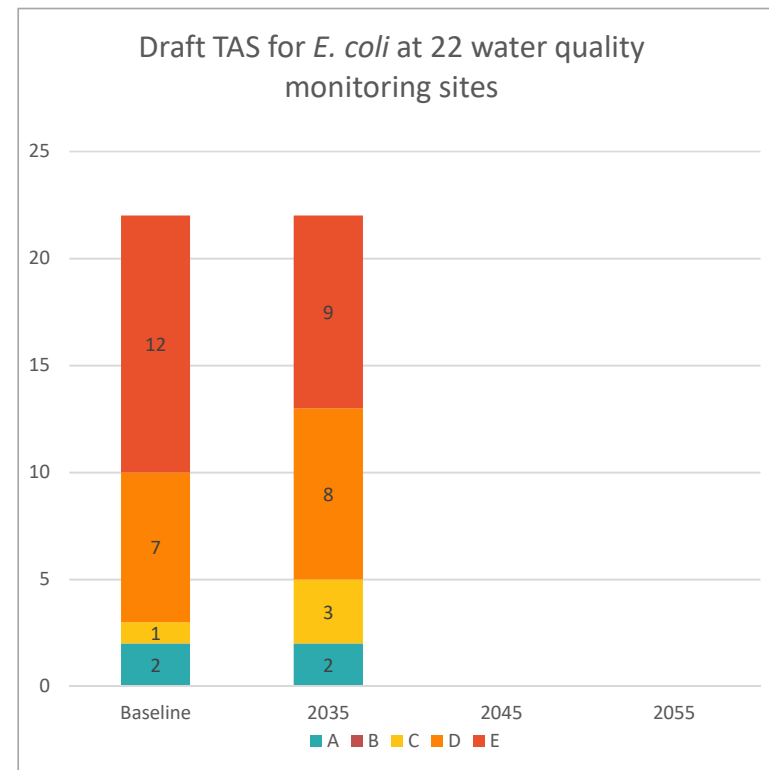
Scenario modelling; current management options

- Scenario 1: Completion of planned riparian fencing and planting
 - Estimated reduction of between 2 - 4% of mean annual *E. coli* load discharging to the coast
 - Only 2.7% of $\geq 4^{\text{th}}$ order reaches move from band E to D
 - Low impact due to already high level of stock exclusion achieved with the programme
- Scenario 2: Land based disposal of remaining farm dairy effluent (FDE) currently discharging to water
 - Estimated 10% reduction in mean annual *E. coli* load discharged to the coast
 - Change in NOF band for 7.9% of reaches regionally (mostly from E to D)
 - Greatest improvements expected in VRP where most remaining FDE discharges occur

Escherichia coli (E. coli)

Short-term draft target attribute states (regional sites)

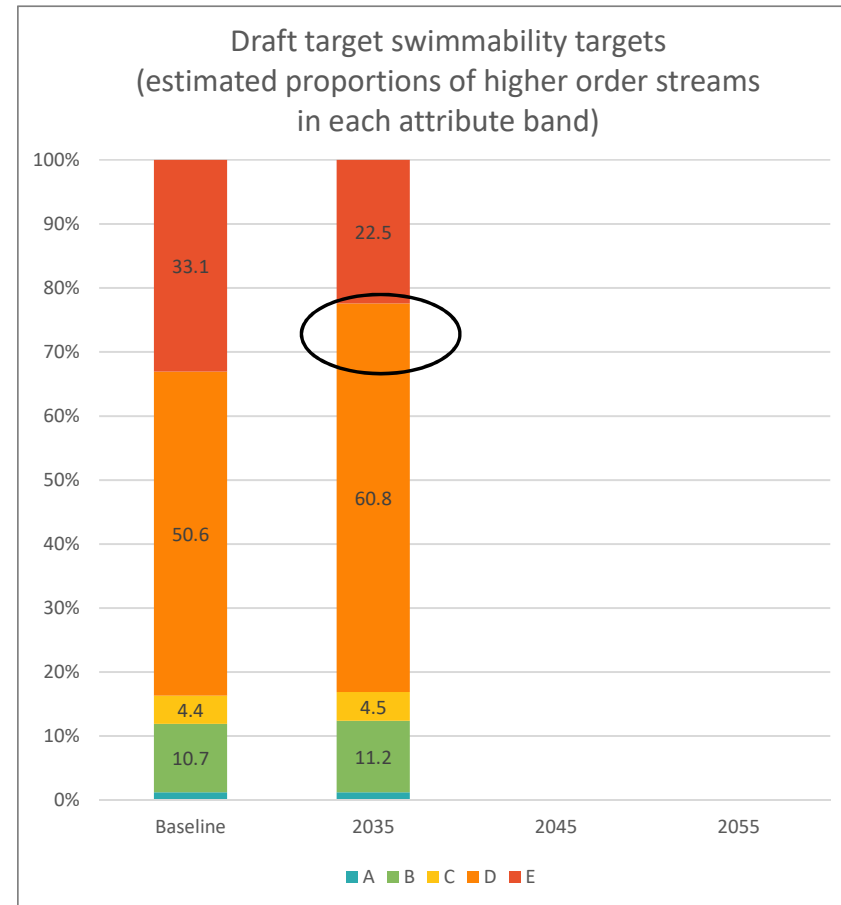
- 2 sites in A band = maintain
- 3 sites shift from E to D
- 2 sites shift from D to C (minimum 'swimmable' standard)
- Assumed completion of riparian & removal of FDE at 2035
- Further consideration is being given as to how we can achieve C band at more sites, and what timeframe would be required.



Escherichia coli (E. coli)

Short-term draft target attribute states (national swimmability targets)

- 10.6% of higher order streams improve from E band (mostly to D band)
- 0.5% of higher order streams improve to B band
- Assumed completion of riparian & removal of FDE at 2035
- More benefit to be gained in lower order streams
- Further consideration is being given as to how we can achieve C band throughout more of our higher order streams, and what timeframe would be required.



Escherichia coli (E. coli)

- In order to achieve minimum standards, further mitigation measures will be required beyond completion of these current management options.
- However, it's important to note;
 - Limited scope for further gains with riparian programme reflect the high level of completion already achieved (though auditing will be important).
 - Benefits of fencing and planting extend far beyond managing *E. coli* numbers (i.e. reduced stream bank erosion, increased shading, reduced temperatures, biodiversity, etc.).

Escherichia coli (E. coli)

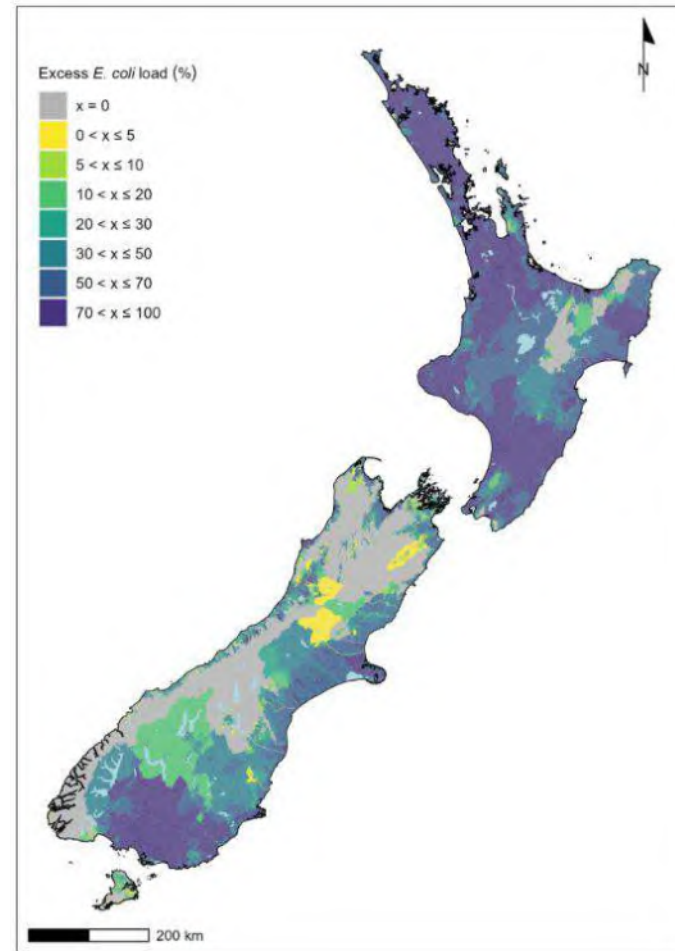
What else can we do?

- Further stock exclusion outside of riparian zone, and lifting the minimum standard of existing fencing.
- Deferred effluent irrigation, bridged stream crossings, stock exclusion from wetlands and management of critical source areas are recommended as “common sense strategies”; though difficult to model their impact.
- Grass buffer strips, detainment bunds, assessment of on-site wastewater systems and aging infrastructure, and retirement of marginal land also worth investigating.
- Will likely require a toolbox with a range potential strategies.

Escherichia coli (*E. coli*)

Other important considerations

- Three quarters of all land in Aotearoa is contributing unacceptable levels of *E. coli* into our rivers

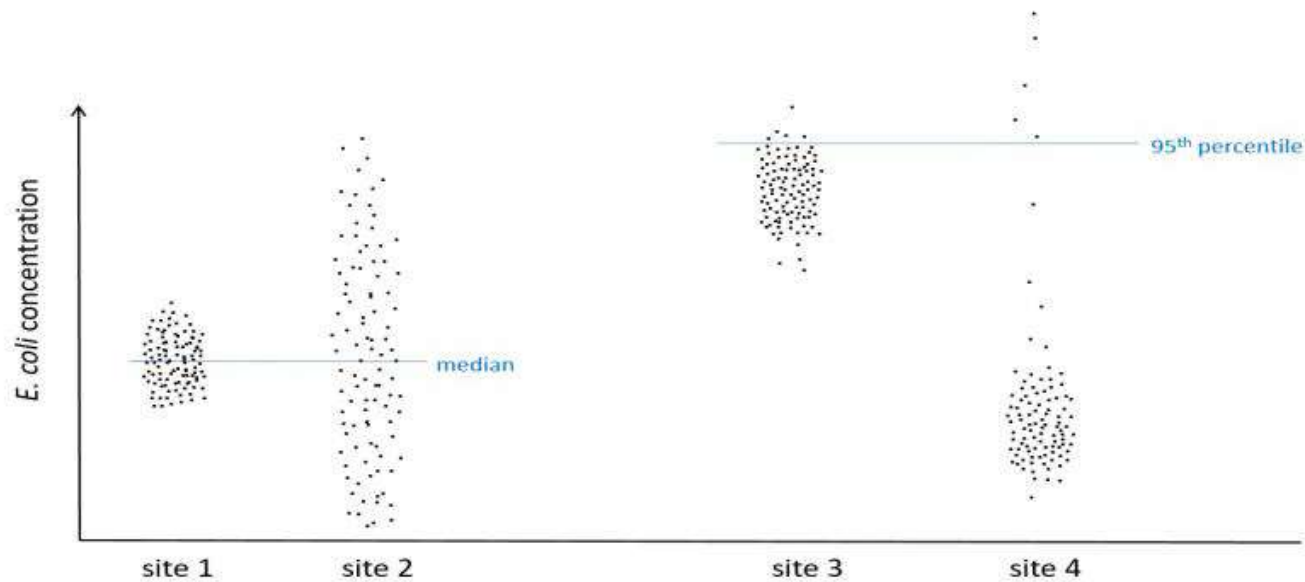


Snelder T, Smith H, Plew D, Fraser C. LWP Client Report 2023-06, November 2023

Escherichia coli (E. coli)

Other important considerations

- There is still real room for improvement even if it isn't reflected in shifting attribute bands.



Water allocation and minimum flows

Regional council's must set environmental flows and levels that achieve the environmental outcomes and long-term visions for freshwater in the region.

A series of water allocation scenarios were developed using the following information:

- Current consented and permitted water use
- Stream habitat modelling assessments
- Climate change projections

Water allocation and minimum flows

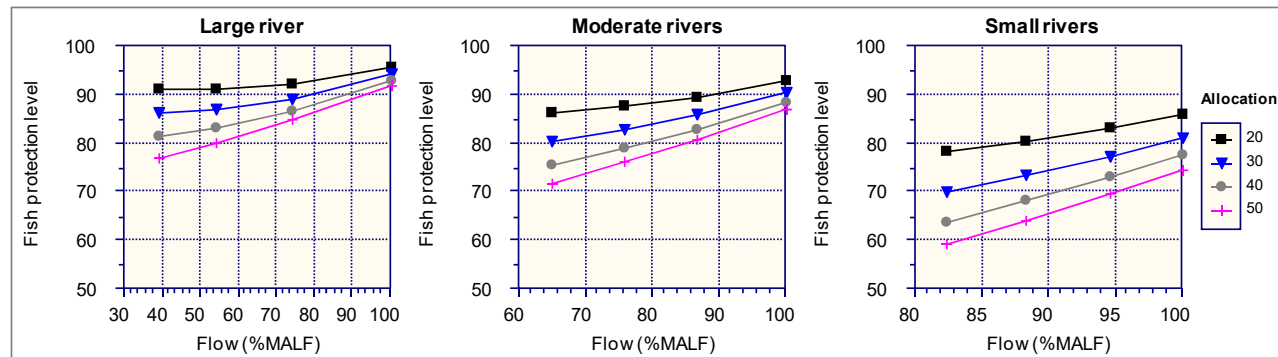
Each scenario was assessed based on:

- Environmental outcome (species protection level)
- Allocation status of existing consented water users
- Reliability of supply for existing consented water users

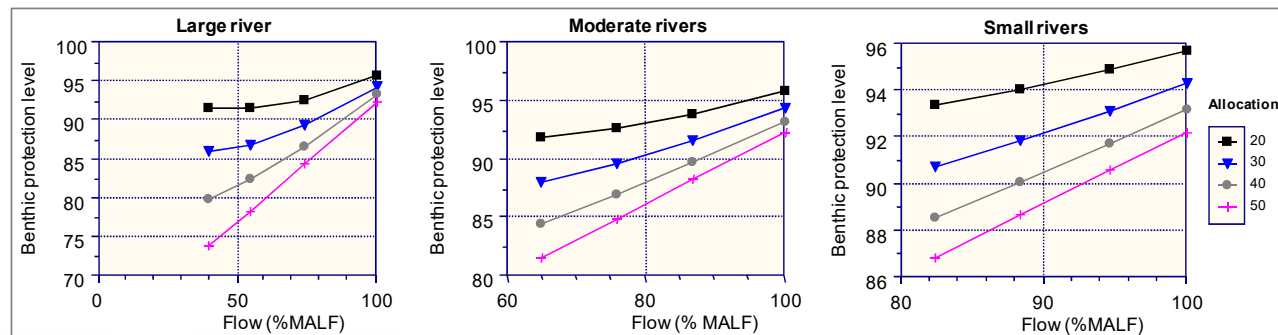
Water allocation and minimum flows

Trade off between minimum flow and allocation level to achieve species protection (varies based on river size)

Fish



Macroinvertebrates



Working with people | caring for Taranaki

Jowett Consulting Limited (2020)

Water allocation and minimum flows



Macara et al. (2022)

Climate change

- By 2050, MALF decreases for up to 95% of the river reaches across the region
- By 2090, MALF decreases of up to 50% projected for the majority of the region
- However, southern parts of Taranaki could see small increases in MALF of 5-10%.
- Little change in annual rainfall volumes
- Potentially a slight increase in rainfall by 2090, particularly over winter months, when the majority of groundwater recharge occurs.

Water allocation and minimum flows

- Five future scenarios assessed (plus status quo)
- Four out of five scenarios meet draft environmental outcome for ecosystem health.
 - species protection level = 90%
- All scenarios result in over-allocation
 - between 39 – 84 consents (out of 117)
- All scenarios result in reduced reliability of supply
 - from 97 – 100% with no further MALF reduction, to 15 – 69% with 50% reduction in MALF due to climate change

Water allocation and minimum flows

Recommended scenario (scenario three)

Settings:

- Minimum flow
 - Small rivers = 100% MALF
 - Moderate and large rivers = 90% MALF
- Allocation
 - Small rivers = 20% MALF
 - Moderate rivers = 30% MALF
 - Large rivers = 40% MALF

Outcomes:

- Species protection level = 90%
- Over-allocated consents = 75
- Reliability of supply = from 91 – 98% with current MALF, to 19 – 73% with 50% reduction in MALF due to climate change

Water allocation and minimum flows

- We will need to improve how we're taking and managing water use to ensure there is sufficient water available in the future (this includes managing for the effects of climate change on river flows and water levels)
- Currently investigating planning pathways for encouraging water use efficiency, alternative sources (i.e. groundwater), taking of supplementary flows and off-line water storage.

Summary

- We've begun the target setting process by focusing on '*the big four plus flow*':
 - Nitrogen and phosphorous (not discussed today)
 - Sediment
 - *E. coli*
 - plus water allocation and minimum flows
- The science indicates that the current management approach and plan provisions will not be enough to achieve minimum targets, and in some cases it will not be enough to maintain current state.
- Additional measures will need to be considered in order to achieve improved outcomes for freshwater.
- Canvassing these measures, the associated costs, and possible timeframes for implementing these, will form part of our next round of discussions with the community.

Thank you for your attention!





Kia uruuru mai

Karakia to close meetings

Kia uruuru mai
Ā hauora
Ā haukaha
Ā haumaia
Ki runga, Ki raro
Ki roto, Ki waho
Rire rire hau
Paimārie

Fill me with
Vitality
Strength
Bravery
Above, below
Within, outwards
Let the wind blow and bind
Peace upon you

Nau mai e ngā hua

Karakia for kai

Nau mai e ngā hua
o te wao
o te ngakina
o te wai tai
o te wai Māori
Nā Tāne
Nā Rongo
Nā Tangaroa
Nā Maru
Ko Ranginui e tū iho nei
Ko Papatūānuku e takoto ake nei
Tūturu o whiti whakamaua kia
tina
Tina! Hui e! Taiki e!

Welcome the gifts of food
from the sacred forests
from the cultivated gardens
from the sea
from the fresh waters
The food of Tāne
of Rongo
of Tangaroa
of Maru
I acknowledge Ranginui above and Papatūānuku
below
Let there be certainty
Secure it!
Draw together! Affirm!

AGENDA AUTHORISATION

Agenda for the Policy and Planning Committee meeting held on Tuesday 30 April 2024

Confirmed:



22 Apr, 2024 2:24:01 PM GMT+12

A D McLay

Director Resource Management

Approved:



23 Apr, 2024 11:31:06 AM GMT+12

S J Ruru

Chief Executive