

Policy and Planning Committee

Tuesday 29 August 2017

10.30am

Taranaki Regional Council, Stratford



Agenda for the meeting of the Policy and Planning Committee to be held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford, on Tuesday 29 August 2017 commencing at 10.30am.

Members	Councillor N W Walker	(Committee Chairperson)
	Councillor M P Joyce	
	Councillor C L Littlewood	
	Councillor D H McIntyre	
	Councillor B K Raine	
	Councillor C S Williamson	
	Councillor D L Lean	(ex officio)
	Councillor D N MacLeod	(ex officio)
Representative Members	Ms E Bailey	(Iwi Representative)
	Councillor G Boyde	(Stratford District Council)
	Mr J Hooker	(Iwi Representative)
	Councillor R Jordan	(New Plymouth District Council)
	Mrs B Muir	(Taranaki Federated Farmers)
	Councillor P Nixon	(South Taranaki District Council)
	Mr M Ritai	(Iwi Representative)

Apologies

Notification of Late Items

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Agenda Memorandum

Date 29 August 2017



**Memorandum to
Chairperson and Members
Policy and Planning Committee**

Subject: Confirmation of Minutes – 25 July 2017

Approved by: A D McLay, Director-Resource Management

B G Chamberlain, Chief Executive

Document: 1920035

Resolve

That the Policy and Planning Committee of the Taranaki Regional Council:

1. 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 25 July 2017 at 10.30am
2. notes the recommendations therein were adopted by the Taranaki Regional Council on 15 August 2017.

Matters arising

Appendices

Document #1902639 – Minutes Policy and Planning Committee

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 25 July 2017 at 10.30 am.



Members	Councillors	N W Walker	(Committee Chairperson)
		C L Littlewood D H McIntyre B K Raine	
		D L Lean	(ex officio)
Attending	Councillor	G Boyde	(Stratford District Council)
	Councillor	P Nixon	(South Taranaki District Council)
Attending	Messrs	A D McLay	(Director-Resource Management)
		M J Nield	(Director-Corporate Services)
		S R Hall	(Director-Operations)
		C L Spurdle	(Planning Manager)
		P Ledingham	(Communications Officer)
		R Ritchie	(Communications Manager)
		Mrs H Gerrard	(Science Manager)
		Mrs V McKay	(Science Manager)
		Mr Q Amore	(Environment Team Leader)
Mrs K van Gameren	(Committee Administrator)		
Mr J Clough	(Wrightson Consulting)		
Apologies	The apologies from Councillor M P Joyce, Councillor D N MacLeod, Councillor C S Williamson, Councillor R Jordan (New Plymouth District Council) and Mrs B Muir (Taranaki Federated Farmers) were received and sustained.		
Notification of Late Items	Notes on Land Use and Water Quality Conference 2017		

1. Confirmation of Minutes - 6 June 2017

Resolved

THAT the Policy and Planning Committee of the Taranaki Regional Council

1. 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 6 June 2017 at 10.30am

2. notes that the recommendations therein were adopted by the Taranaki Regional Council on 27 June 2017.

McIntyre/Littlewood

Matters Arising

There were no matters arising.

2. Update on the Pest Management Review for Taranaki

- 2.1 Mr C L Spurdle, Planning Manager, spoke to the memorandum updating Members on submissions made by the public on the *Proposed Regional Pest Management Plan for Taranaki* and the *Taranaki Regional Council Biosecurity Strategy 2017-2037* and to recommend that the Council conduct a hearing of submissions on both documents.
- 2.2 Following the Council's closing date for submissions (30 June 2017), 10 submissions were received. Council officers have commenced reviewing and analysing the submissions and organising pre-hearing meetings with key submitters to discuss the issues raised and policy responses.

Recommendations

That the Taranaki Regional Council:

1. receives the memorandum on the *Update on the Pest Management Review for Taranaki*
2. notes that 10 submissions have been received on the *Proposed Regional Pest Management Plan for Taranaki* and the *Taranaki Regional Council Biosecurity Strategy 2017-2037*
3. notes that six of the 10 submitters have stated that they wish to present their submission at a Council hearing
4. agrees that the Policy and Planning Committee be convened as a Hearing Committee to hear submissions and make its recommendations on submissions to the Council on 17 October 2017.

McIntyre/Raine

3. Report back on the interim review of the Regional Policy Statement for Taranaki

- 3.1 Mr C L Spurdle, Planning Manager, spoke to the memorandum presenting for information, feedback obtained on the report entitled *Final report on the interim review of the Regional Policy Statement for Taranaki 2010 – Evaluation of appropriateness, efficiency and effectiveness*, thus completing the process of the interim review of the *Regional Policy Statement for Taranaki*.
- 3.2 It was noted to the Committee that feedback on the review of the effectiveness and efficiency of the Regional Policy Statement (RPS) was largely supportive of the preliminary findings from the Report and for a combined RPS and regional plan for

air, coast, freshwater and soil by 2020. Further work is required on how the Council will operationalise this, however there would be efficiencies for the Council and key stakeholders going forward.

Recommended

That the Taranaki Regional Council:

1. receives the memorandum and report *Final report on interim review of the Regional Policy Statement for Taranaki 2010 – Evaluation of appropriateness, efficiency and effectiveness*
2. notes the views and responses of key stakeholders on the preliminary report
3. notes that the Regional Policy Statement continues to be relevant, efficient and effective
4. agrees that no immediate changes to the Regional Policy Statement are required.

Lean/McIntyre

4. Submission on charging to monitor permitted activities in the National Environmental Standard for Plantation Forestry

- 4.1 The memorandum introducing a Council submission on the Ministry for Primary Industries discussion paper on charging to monitor permitted activities in the National Environmental Standard for Plantation Forestry was received and noted by the Committee. The submission was sent by the due date on 16 June 2017.

Recommended

That the Taranaki Regional Council:

1. receives the memorandum Submission on charging to monitor permitted activities in the National Environmental Standard for Plantation Forestry
2. adopts the submission.

Boyde/Littlewood

5. Regional freshwater recreational bathing water quality report for 2016-2017

- 5.1 Mr G K Bedford, Director-Environment Quality, spoke to the memorandum updating the Committee on the results of the Council's 'state of the environment' programme that monitors freshwater contact recreational water quality, for the 2016-2017 bathing season (*Freshwater contact recreational water quality at selected Taranaki sites State of the Environment Monitoring Report 2016-2017, Technical Report 2017-01, July 2017*).
- 5.2 Mr Bedford provided the Committee with a presentation on freshwater and marine contact recreational water quality at Taranaki sites in 2016-2017.

Recommended

That the Taranaki Regional Council:

1. receives the memorandum noting the preparation of the report *Freshwater Contact Recreational Water Quality at selected Taranaki sites SEM Monitoring Report 2016-2017, Technical Report 2017-01*
2. adopts the specific recommendations presented in Technical Report 2017-01.

Raine/McIntyre

6. Bathing beach recreational water quality SEM report 2016-2017

- 6.1 Mr G K Bedford, Director-Environment Quality, spoke to the memorandum presenting to the Committee the report on the quality of coastal bathing waters in the Taranaki region during the 2016-2017 bathing season, as set out in the report *Bathing Beach Water Quality State of the Environment Monitoring Report Summer 2016-2017, Technical Report 2017-2*.

Recommended

That the Taranaki Regional Council:

1. receives the memorandum noting the preparation of the report *Bathing Beach Water Quality State of the Environment Monitoring Report Summer 2016-2017 Technical Report 2017-2*
2. adopts the specific recommendations, concerning sampling and reporting, in Technical Report 2017-2.

Boyde/Nixon

7. Review of the Biodiversity Strategy for the Taranaki Regional Council

- 7.1 Mr S R Hall, Director-Operations, spoke to the memorandum presenting for consideration of the Committee, the draft *Biodiversity Strategy for the Taranaki Regional Council*.
- 7.2 Mr Q Amore, Environment Team Leader, and Mr C L Spurdle, Planning Manager, provided a presentation to the Committee on the draft Strategy.

Recommended

That the Taranaki Regional Council:

1. receives the memorandum *Review of the Biodiversity Strategy for the Taranaki Regional Council*
2. notes that the Biodiversity Strategy reviews and updates Council biodiversity priorities, and work programmes remain to ensure they remain relevant, efficient and effective.

Raine/Littlewood

8. Key Native Ecosystems programme: Update Two 2017

- 8.1 Mr S R Hall, Director-Operations, spoke to the memorandum presenting the second 2017 update to the Committee on the identification of ten new Key Native Ecosystem sites.

Recommended

That the Taranaki Regional Council:

1. receives the memorandum and the inventory sheets for Canaan Bush; Dobbs Family Trust; Upper Mangaotuku; Ian and Jean Kurth; Howell's Bush; Kaihuahua; Woodside; Pukemiro, Pukekura Park and Punarima Bush and Wetlands
2. notes that the aforementioned sites have indigenous biodiversity values of regional significance and should be identified as Key Native Ecosystems.

Raine/McIntyre

9. Notes on Land Use and Water Quality Conference 2017

- 9.1 Mr G K Bedford, Director-Environment Quality, spoke to the memorandum outlining some significant themes that were presented at the international Land Use and Water Quality 2017 Conference held recently in the Hague. Mr Bedford attended the Conference and presented on the Council's riparian programme.
- 9.2 Members noted the information obtained at the Conference confirmed the resource management approaches adopted by the Council over the years.

Recommended

That the Taranaki Regional Council:

1. receives the memorandum *Notes on Land Use and Water Quality Conference 2017*
2. notes the messages that emerged at the Conference.

Littlewood/Nixon

There being no further business, the Committee Chairperson Councillor N W Walker, declared the Policy and Planning Committee meeting closed at 12.20pm.

Confirmed

Chairperson

N W Walker

Date

29 August 2017

Agenda Memorandum

Date 29 August 2017



**Memorandum to
Chairperson and Members
Policy and Planning Committee**

**Subject: Recent changes to the National Policy
Statement for Freshwater Management**

Approved by: A D McLay, Director – Resource Management

B G Chamberlain, Chief Executive

Document: 1916781

Purpose

The purpose of this memorandum is to introduce recent changes made to the National Policy Statement for Freshwater Management (NPS-FM).

The latest changes, including a media release by the Minister for the Environment, can be found on the Ministry's website at <http://www.mfe.govt.nz/node/23004>

A marked-up version of the NPS-FM showing the actual changes made can be found at <http://www.mfe.govt.nz/fresh-water/national-policy-statement-freshwater-management/2017-changes>

Staff will present a PowerPoint presentation on the changes made and what they mean for the Council.

Executive summary

On the 9 August 2017, the Minister for the Environment announced a series of amendments to the NPS-FM. The changes take effect from 6 September 2017. They take into account the feedback received from public consultation on the 'Clean water' consultation document held earlier this year. Members will recall that the Council made a submission on the document in April 2017.

Members will recall that the Government's proposed target was to make 90% of New Zealand's rivers and lakes swimmable by 2040. This target has now been included in the NPS-FM giving it legal status.

New requirements in the NPS-FM require regional councils to set regional targets to implement swimmability objectives in the NPS and to report on their contribution to achieving the targets every 5 years. Regional councils will need to set draft regional targets by 31 March 2018 and final targets by 31 December 2018.

Changes in the NPS-FM require regional councils to monitor ecosystem health, maintain or improve overall water quality, manage nitrogen and phosphorus, consider economic wellbeing in freshwater decision-making and plan (with local iwi) for Te Mana o te Wai.

Where there are grazing animals, particularly dairy cows, and it rains reasonably frequently causing pasture runoff, the new standards will not be met without major destocking, with consequent major social and economic impacts. This will occur even with a competed riparian management programme. The presentation will provide information to support this conclusion. These social and economic impacts are being recognised in the regional council sector but not appropriately in Government.

There will be some changes to Council policy and monitoring protocols as a result of the changes to the NPS-FM. However, adjustments have been made to various monitoring programmes over the last few years in anticipation of changes in the NPS, which will lessen the impact of the changes on the Council. The NPS-FM and the 2017 amendments will require substantial work to be undertaken by the Council but can be accommodated within the proposed *Freshwater and Land Management Plan*.

Recommendations

That the Taranaki Regional Council:

1. receives the memorandum *Recent changes to the National Policy Statement for Freshwater Management*
2. notes the ongoing uncertainty around a number of the provisions of the NPS-FM
3. notes the significant social and economic impacts the new requirements will have for Taranaki and other regions and the lack of awareness of this in central government.

Background

Since the NPS-FM was first enacted in 2011, there have been ongoing concerns with interpretation of key provisions and of vague or unworkable wording. This has led to a state of uncertainty as proposals have been floated both formally and informally as to how these core issues should be resolved. This has been a factor in councils choosing to delay notification of their formal statutory plans (as provided for in the NPS-FM) until the situation becomes clearer.

On the 9 August 2017, the Minister for the Environment announced further amendments to the NPS-FM, following earlier changes made in 2014. The changes reflect the feedback received from public consultation on the '*Clean water*' consultation document held earlier this year. Members will recall that the Council made a submission on the document in April 2017.

The changes include a number of provisions, which require regional councils to:

- support the national swimming targets;
- monitor macroinvertebrates;
- maintain or improve overall water quality;
- manage nitrogen and phosphorus;
- implement measurements of Mātauranga Māori;
- consider economic wellbeing in freshwater decision-making

- include infrastructure exemptions from national bottom lines
- make some (minor) changes to managing lakes and lagoons and
- plan (with local iwi) for Te Mana o te Wai.

The 2017 changes to the NPS-FM come into effect on 6 September 2017.

Discussion

Members will recall that the Government's proposed target was to make 90% of New Zealand's rivers and lakes swimmable by 2040. This target has now been included in the NPS-FM giving it legal status.

New requirements in the NPS-FM require regional councils to set regional targets to implement swimmability objectives in the NPS and to report on their contribution to achieving the targets every 5 years. Regional councils will need to set draft regional targets by 31 March 2018 and final targets by 31 December 2018.

New definitions of 'primary contact' and 'primary contact site' have been added and previous references to secondary contact have been removed (or adjusted).

Major changes have been made to the swimmability criteria by the inclusion of additional statistical measures of *E.coli* data. There are also more detailed criteria included on the comparative risks of the various gradings. There are differences in management approach depending on whether the site is a primary contact site or falls within other specified rivers or lakes.

The NPS-FM also anticipates that the quality of freshwater is to be improved so that it is suitable for primary contact more often.

More detail on the swimmability targets and what these mean for Taranaki will be presented to the Committee on the day. Basically where there are grazing animals, particularly dairy cows, and it rains reasonably frequently causing pasture runoff, the new standards will not be met without major de stocking, with consequent major social and economic impacts. This will occur even with a competed riparian management programme. The presentation will provide information to support this conclusion. These social and economic impacts are being recognised in the regional council sector but not appropriately in Government.

Changes to the NPS-FM require regional councils to set appropriate instream concentrations and exceedance criteria for dissolved inorganic nitrogen (DIN) and dissolved reactive phosphate (DRP) to meet objectives for periphyton (algal) growth in rivers. Based on visual assessment criteria Taranaki does not experience conspicuous periphyton even under worst-case conditions. However, a NPS-FM-aligned periphyton monitoring programme has recently been initiated in anticipation of this requirement being imposed and we expect we will be able to test the degree of compliance with the NPS criteria within the next few years once this programme has been running over this time.

The revised NPS-FM includes a new requirement to monitor macroinvertebrates in waterways, but now also includes a trigger point for action if the macroinvertebrate community index (MCI) drops below 80 or monitoring results show a declining trend. The response methods have to include investigations of the causes of any decline and seek to halt

the decline, and endeavour to improve MCI scores to above 80 (unless the low score is caused by natural occurring processes, pests or infrastructure listed in Appendix 3 of the NPS).

The Council already has a very extensive programme in place to monitor instream ecological health using the MCI. The current MCI programme delivers on the new NPS-FM requirements.

New provisions in the NPS-FM clarify requirements for regional councils to maintain or improve overall water quality within the region by deleting the previous reference to the objective being achieved across the region and replacing it with reference to it being achieved within a freshwater management unit (FMU).

There is still some uncertainty in the NPS-FM on this issue, which Council staff will raise, with MfE.

Changes to the NPS-FM also introduce explicit consideration of the economic wellbeing of communities (including productive economic opportunities). However, this must be achieved within the context of environmental limits.

The amendments to the NPS-FM seek to clarify the meaning of Te Mana o te Wai in freshwater management, incorporating the values of iwi. Objectives and related policies provide for Te Mana o te Wai to be considered and recognised in the management of freshwater. Extra resourcing will be required to develop and to monitor measures with respect to Te Mana o te Wai.

The overall monitoring and reporting requirements have been stepped up in the NPS-FM. The good news for Taranaki is that we already monitor and report (annually) on general water quality including the compulsory values in the NPS. Adjustments have and are being made in response to new sampling protocols within the NPS-FM. There is however, still lack of clarity around the NPS requirements for dissolved oxygen, and measures for the health of indigenous flora and fauna will have to be developed, as will monitoring protocols and measures for Te Mana o te Wai as previously mentioned.

The Government has also signalled that a top priority is gazetting national regulations for stock exclusion from waterways. The Minister has stated these are close to being finalised. Also under development are national best management practices for sectors like dairying, horticulture, beef farming, arable farming, hydroelectricity and land development. The Council has no specific information on what these may look like and assumes these will be used as non-regulatory tools.

Next steps

The immediate priority for Council staff will be to develop draft regional targets for swimmability by March 2018 (7 months away) with a view to finalising these by 31 December 2018 as required by the NPS-FM. Research just commissioned from NIWA by this Council will provide a rigorous and comprehensive evidential foundation for the development of realistic targets.

There are a number of provisions in the final NPS-FM that will require further discussion with MfE staff. MfE have indicated they will make resource available to assist councils with implementing the revised NPS.

The timeframes for preparing plans contained in the 2014 NPS-FM have not changed. This provides for councils to implement the NPS-FM by 2025 by defining time-limited stages for this to occur or by 2030 under certain circumstances. Members will recall that the Council has adopted a programme of review of its *Freshwater and Land Plan* by the end of 2020. The NPS-FM and the 2017 changes will require substantial work to be undertaken by the Council. However, the changes to the NPS can be included in proposed plan. The Council will continue with its work on the draft *Freshwater and Land Plan* including consultation with the Taranaki community.

Decision-making considerations

Part 6 (Planning, decision-making and accountability) of the *Local Government Act 2002* has been considered and documented in the preparation of this agenda item. The recommendations made in this item comply with the decision-making obligations of the *Act*.

Financial considerations—LTP/Annual Plan

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

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*.

Legal considerations

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

Agenda Memorandum

Date 29 August 2017



**Memorandum to
Chairperson and Members
Policy and Planning Committee**

**Subject: National Policy Statement for
Freshwater Management Implementation
Review**

Approved by: A D McLay, Director – Resource Management
B G Chamberlain, Chief Executive

Document: 1914038

Purpose

The purpose of this memorandum is to introduce the National Policy Statement for Freshwater Management Implementation Review report (the National Themes report) and a separate but accompanying report on progress in Taranaki in implementing the National Policy Statement.

The reports have been prepared by the Ministry for the Environment (MfE) and Ministry for Primary Industries (MPI).

Copies of both reports can be found on <http://www.mfe.govt.nz/publications/fresh-water/national-policy-statement-freshwater-management-implementation-review>.

Executive summary

The Ministry for the Environment and Ministry for Primary Industries have released a National Policy Statement for Freshwater Management (NPS-FM) Implementation Review report and sixteen regional reports on progress with implementing the NPS-FM five years after it was first promulgated.

The review process involved Ministry staff assisted by consultants, conducting a series of interviews with council executives and elected councillors, senior council staff and iwi and stakeholder representatives.

The national report notes that there has been good progress in implementing the NPS-FM but the report records criticism that progress has not been quick enough in some catchments and regions.

Issues or challenges raised include increasing and ongoing engagement with iwi and hapu, capacity and capability issues with increased levels of engagement, monitoring and

enforcement. The report notes that engagement with iwi and hapu is improving in many regions but remains as one of the biggest challenges for implementing the NPS-FM.

Some of the other concerns or issues raised during the review were the effects of full implementation on landowners and the ongoing uncertainty about a number of terms and concepts in the NPS-FM.

The Taranaki report congratulates the Council on its riparian management programme and raises a number of issues for future consideration. These have been the subject of considerable discussion between Council staff and staff at the Ministry for the Environment. The report is now more objective and accurate but some inaccuracies remain. The survey method was limited and the report concedes this is a significant limitation of the final report.

Recommendation

That the Taranaki Regional Council:

1. receives the memorandum *National Policy Statement for Freshwater Management Implementation Review*.

Background

The National Policy Statement for Freshwater Management (NPS-FM) was first introduced in 2011 and amended in 2014. A review was signalled in the preamble to the NPS-FM where it states that the Minister for the Environment (MfE) would seek an independent review of the implementation and effectiveness of the NPS-FM no later than 1 July 2016. The Minister initiated the review in March 2016.

The Council provided feedback to MfE on the Taranaki chapter in February 2017 and again in May 2017.

Discussion

The review process involved Ministry staff assisted by consultants, conducting a series of interviews with council executives and elected councillors, senior council staff and some iwi and stakeholder representatives.

This aspect of the review process was one that had caused the Council some concern as many of the findings and conclusions were not based on science or objective evidence but on the interpretation and opinions of the authors. In addition, the views of stakeholders were an important component of the information gathered. However, as Members will appreciate, the number and type of stakeholders interviewed can skew the results of any investigation, and this is why in our plan reviews we try to engage with a wide range of stakeholders and to input that information alongside a range of other sources, including science-based information.

In the Taranaki report MfE concedes that only one iwi group and one non-government organisation accepted the invitation to participate formally in the review process and that this was a significant limitation of the final report.

Nevertheless, MfE and MPI have completed the NPS-FM Implementation Review report and have released the national overview report along with sixteen more detailed regional reports, which can be found on the MfE website.

Implementation review (national themes) report

The national themes report attempts to synthesis the information gathered throughout the review process from around New Zealand on the successes and challenges in implementing the NPS-FM.

The national report acknowledges that regional authorities across New Zealand face very different circumstances and complexities, which means that there are very different variations and approaches to implementing the NPS-FM. The review highlights just how significant and challenging implementation of the NPS-FM actually is (refer to page 7 of the report).

The overall findings of the review is that there has been good progress in implementing the NPS-FM but records criticism that progress has not been quick enough in some catchments and regions.

The report notes that there has been a positive and marked increase in the level of engagement with communities in regional planning processes. Whether this observation can be put down solely to the NPS-FM is open to debate as many councils, including this one, have had extensive processes in place to obtain community and stakeholder input into plan making very early on in the process.

While the move to greater engagement is supported in the report, participants in the review identified a number of challenges including:

- the need for a clear understanding of the community's role, how the council will use the community's decisions and how these will be translated into a formal planning document;
- tension between local community representatives and those from national organisations; and
- processes have been very resource intensive and time consuming, leading some to believe that the same environmental outcomes could be achieved with a simpler consultative process.

The report notes that engagement with iwi and hapu is improving in many regions but remains as one of the biggest challenges for implementing the NPS-FM. The report also notes that the NPS-FM requires significant investment in data management, monitoring and enforcement to ensure council rules are being complied with.

The report notes that some councils may struggle with ongoing requirements to implement the NPS-FM and that a lack of capacity and capability in some regions may impede effective implementation.

One of the main conclusions of the national review was that the wider community's expectations of freshwater management are rapidly increasing. This poses a challenge for central government and regional councils about what is achievable, the costs involved (and who bears those costs) and the time it takes to improve water quality. The report notes that

in many regions, concerns were heard about the effects that full implementation of the NPS-FM would have on landowners, and we would add, on resource users generally.

There is also the issue of a significant degree of uncertainty about a number of terms and concepts in the NPS-FM. One example that has been raised by this Council on a number of occasions is the requirement of the NPS-FM to maintain or improve 'overall water quality' in the region. We have sought much more specificity about what this means and how councils will be able to prove that despite the fact that a community may accept a lower level of water quality under some circumstances, overall water quality is being maintained or improved.

The report notes that councils and some stakeholders were not clear how the NPS-FM fits with various other government initiatives and direction, particularly those promoting increased economic development in areas such as renewable energy production, agriculture and housing. This issue was raised by this Council.

The Council also raised for consideration the need for regulatory change at the national level to be tempered and the confusion and lack of certainty on national policy directives to be sorted out, to allow councils to get on with the job of implementation. Other councils also raised this issue during the review process.

The Taranaki report

The Taranaki report reflects a number of the limitations acknowledged in the report and set out earlier in this memorandum.

The report contains a number of recommendations that are addressed below.

Staff have had the opportunity to comment on earlier drafts of the report and we believe it is much more objective and accurate although a number of errors and inaccuracies remain.

The Council acknowledges MfE's congratulations and support for the major Taranaki Riparian Management Programme. The Council agrees with the Ministry that longstanding and strong relationships between Council staff and landowners for this voluntary programme are resulting in further improvements in water quality and biodiversity.

The review report is light however, on the Council's very strong regulatory regime with its emphasises on monitoring and strict enforcement of conditions. This was something that was emphasised in the national report as being necessary to ensure council rules are being complied with and for limits to be effective. In addition, little mention is made of the fact that in the period before a revised *Fresh Water and Land Management Plan* is notified the Council has taken steps to ensure changes are made within the Council's existing regulatory framework, as to how water resources are used. These changes will make a significant move towards implementing the NPS-FM.

The review report states that there is 'little tangible evidence' of the Council's additional consultation on and investigations into freshwater management. The Council's work to date on drafting a new *Freshwater and Land Management Plan* in fact provides such evidence. Work is continuing with ongoing consultation with iwi and water resource investigations to address matters raised during early consultation on the draft plan and changes made to the NPS-FM.

The reviewers have stated that they can find 'no reason' for the Council to delay formal adoption of the NPS-FM objectives. The NPS-FM itself requires its provisions to be implemented in a plan by 31 December 2025 or by 31 December 2030 if meeting the earlier date would result in lower-quality planning or is impractical. The NPS-FM continues to change (see item elsewhere in this Agenda) and there are legal challenges and a degree of national confusion around aspects of it. These are acknowledged in the report.

This situation creates considerable uncertainty and the Council believes (as do other councils as noted in the report), that these are very reasonable grounds for the Council to delay formal notification of its reviewed plan until the uncertainties and confusion are satisfactorily addressed. These include the interpretation of 'maintain and enhance' within freshwater management units, national objectives framework and associated numerics (limits), iwi values monitoring (Te Manu o te Wai) and the regulation of riparian management. These core matters have been addressed in past agenda items and in the recent changes to the NPS-FW memo included in this agenda.

As noted above, the Council has not stood still and is progressing with policy initiatives that will give effect to the NPS-FM anyway. The Council has developed a Requirements document to guide resource users and meet community aspirations for freshwater. These are based on the broad policy directions contained in the draft *Freshwater and Land Management Plan*, and include a switch to land disposal of farm dairy effluent, greater protection of wetlands and completion of the Council's riparian fencing and planting programme.

In summary, there are no major freshwater issues that require immediate action or attention by way of a plan review or plan change now to give effect to the NPS-FM. As noted above, those matters where change is required in the interim are being addressed under the Council's existing policy framework.

Furthermore, the Council has adopted and widely consulted on freshwater limits in its draft Plan despite the reviewers' assertion to the contrary. The national objective framework numeric limits are included in the plan and meet the definition of limits included in the NPS-FW. These were an important part of the Draft Plan that went out for stakeholder consultation, so were discussed with the wider community.

In several places the report expresses concern that the lack of monitoring following rain events may be giving an inaccurate picture of the current state of water quality in Taranaki. This statement is simply misleading. The programme that the reviewers are referring to is one of 17 freshwater state of the environment monitoring programmes that the Council operates. That programme (the Freshwater Contact Recreational Water Quality programme) is designed to represent water quality at times when people are most likely to be swimming (i.e. after rainfall events). It was never intended to present an 'overall' water quality picture and the reviewers do not acknowledge the purpose of the programme. However, the Council has always carried out some freshwater recreational quality monitoring at a few sites regardless of weather and river flow and has increased this monitoring in 2016/2017. The Council's monitoring programmes and data collection systems have been audited repeatedly by independent external parties, including a review of the Council's monitoring programmes by the Office of the Controller and Auditor General, with no corrective actions required or recommended. This is not noted in the report and in the Council's view is a serious omission.

The Council agrees with the reviewers that the Council will need to work more effectively with iwi to give effect the NPS-FM. This is an area where the Council is looking to develop its relationship with iwi further.

Finally, the Council supports the reviewers' recommendation that MfE continue working with all regional councils to develop national consistency in monitoring and reporting.

Decision-making considerations

Part 6 (Planning, decision-making and accountability) of the *Local Government Act 2002* has been considered and documented in the preparation of this agenda item. The recommendations made in this item comply with the decision-making obligations of the *Act*.

Financial considerations—LTP/Annual Plan

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

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*.

Legal considerations

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

Agenda Memorandum

Date 29 August 2017



**Memorandum to
Chairperson and Members
Policy and Planning Committee**

**Subject: Addressing New Zealand's Biodiversity
Challenge - a regional council thinkpiece**

Approved by: S R Hall, Director - Operations
B G Chamberlain, Chief Executive

Document: 1911907

Purpose

The purpose of this memorandum is to present for Members' information a regional council thinkpiece on the future of biodiversity management in New Zealand entitled *Addressing New Zealand's Biodiversity Challenge* (the Report).

A copy of the Report is attached to this item.

Executive summary

- The report *Addressing New Zealand's Biodiversity Challenge* was commissioned by regional councils.
- The Report is the second report that informs the development of a sector view on how regional councils can best contribute to biodiversity outcomes. The Report was prepared by Gerard Willis of *Enfocus*.
- Across New Zealand, indigenous biodiversity is under threat, and we are losing ground in many cases. The 1997 State of the Environment Report for New Zealand identified biodiversity loss or decline as "*New Zealand's most pervasive environmental issue*".
- The Report sets out the broader strategic environment within which regional councils must undertake their biodiversity-related functions and recommends five 'shifts' of focus to support regional councils to make more effective contributions to maintaining biodiversity more effectively than has been achieved in the past.
- The Report recommendations cover:
 - The need for strong leadership and clarity of roles and responsibilities;
 - The need to agree where we should focus our efforts at national, regional and local level;
 - The importance of a national plan and delivering joined-up action across all players;
 - The need to understand what success looks like, and how to measure it; and
 - The need for modern, fit-for-purpose frameworks, including legislation, to help achieve our goals.

- Some of the Report's recommendations are subject to Government responses, particularly those that involve legislative change. The Report will inform that discussion.
- In relation to those shift matters identified in the Report that come within the control of regional councils, this Council is well advanced in many areas. Of note is the preparation and recent review of the *Biodiversity Strategy for Taranaki Regional Council* (2017) that explicitly addresses many of the Report's key concepts and recommendations.
- Members will also be aware that the Council works closely with a range of groups and individuals, including private landowners, to protect and enhance biodiversity in the region. It is a core funder of the Taranaki Biodiversity Trust, the organisation behind Wild for Taranaki.

Recommendations

That the Taranaki Regional Council:

1. receives the memorandum and the report *Addressing New Zealand's Biodiversity Challenge*
2. notes that the Report highlights five required shifts in biodiversity management to support regional council efforts in maintaining biodiversity – stronger leadership and clearer lines of accountability, building on existing programmes, better information, better collaboration, and a coherent legislative framework
3. notes that the Council is already giving effect to many of the actions identified in the Report through its recently reviewed and adopted *Biodiversity Strategy for the Taranaki Regional Council*.

Background

New Zealand is recognised as a world leader in the management of pests and saving native plant and animal species. However, across New Zealand, indigenous biodiversity is under threat, and we are losing ground in many cases. The 1997 State of the Environment Report for New Zealand identified biodiversity loss or decline as “*New Zealand's most pervasive environmental issue*”.

Pursuant to the *Resource Management Act 1991* (RMA) regional councils have responsibility for establishing and implementing objectives, policies and methods to maintain indigenous biodiversity. The overwhelming majority of regional councils see biodiversity management as a core function with a plethora of regulatory and non-regulatory responses to address biodiversity loss and decline. However, despite the efforts and interventions, biodiversity loss and decline is still occurring across New Zealand.

In response to the issue, the regional council sector commissioned Gerard Willis of Enfocus to undertake a two stage review process to, firstly, review regional councils' roles and responsibilities relating to biodiversity and, secondly, provide some guidance on what to do about it.

Members may recall receiving the Stage 1 report entitled *Biodiversity: Roles and Functions of Regional Councils* at the Policy and Planning Committee meeting of 19 March 2015. The Stage 1 report defined “biodiversity” and reviewed the role(s) prescribed in legislation for regional councils (and others) in respect of biodiversity management. It also provided an

overview of what regional councils are currently doing and the amount of resources allocated to biodiversity management.

That Stage 1 report also produced broad guidelines on what *must* be done, what *should* be done and what *may* be done by regional councils to fulfil the biodiversity functions (noting that the guidelines will be dependent on the circumstances that apply in each region).

Recognising that the guidelines only went part way to resolving issues identified by the report, the Stage 1 Report recommended that a second stage be undertaken to examine the:

- strategic issues in biodiversity management and possible solutions, notably legislative and or policy change to:
 - resolve legislative confusion; and
 - more clearly define respective roles and responsibilities.
- operational questions outlined in the report (focussed on how regions might best deliver their biodiversity responsibilities with current arrangements) and associated responses.

Subsequently regional councils through the Chief Executives Group commissioned Gerard Willis of *Enfocus* to prepare the attached Report in response to that recommendation. Set out below is a summary of the Report's key findings and recommendations.

The Report

The attached Report was commissioned by regional councils. Its purpose is to:

- assist regional councils establish a collective view about the most appropriate and effective regional council roles and functions in biodiversity management; and
- offer guidance and direction on how regional councils might fulfil those roles more effectively.

The thinkpiece Report is timely in that it presents ideas as to how New Zealand could better manage its biodiversity, with a particular focus on the role and work of regional councils. The thinkpiece canvasses all the big questions and proposes a way forward. The intention is to provoke thinking, discussion, debate and ultimately change. It has been prepared for regional and unitary councils because of their role in biodiversity management, particularly on private land.

The Report notes that over the past few decades many players across a range of fronts have poured time, effort and money into saving and protecting our indigenous biodiversity. However, despite these efforts, New Zealand needs to urgently develop and refine new options and measures to ensure it has the best biodiversity protection system in the world to protect what is uniquely ours. The report notes that biodiversity loss is complex and poorly understood, there are multiple threats, and legislation and agency roles are complex.

Part B of the Report identifies the following five 'shifts' necessary to enhance the contribution regional councils can make – steps that will make the greatest difference to halting biodiversity decline in New Zealand and protecting what is important. Part C of the report sets out objectives and actions for giving effect to those shifts.

Shift 1: Stronger leadership and clearer lines of accountability

The Report notes that there are many agencies and parties involved in biodiversity management but no established forum within which issues associated with boundaries of responsibility, a collective agenda for action, or co-ordination of activities can be discussed and resolved.

Page 71 of the Report recommends a new leadership structure that brings together key players for collective strategic decision-making.

Shift 2: Building on what regional councils do best

The Report notes there is a need for councils to focus and grow their role as operational managers of biodiversity off the public conservation estate – i.e. on **private land**. The role includes advising and working with others to maintain biodiversity alongside their regulatory (and policy making) roles. The Report suggests that biodiversity management needs to be recognised and embraced as a core role for every regional council and that the control of pest plants and animals pests in particular needs to be recognised as the core dimension of biodiversity management at the regional level.

Page 72 of the Report seeks that regional councils be regarded by the government, private sector, and communities as expert authorities in working with private land owners and iwi in planning and undertaking operational management to achieve “on the ground” action that furthers biodiversity objectives.

Shift 3: Better information for better management

Better information is the key to better decision-making. The Report identifies two dimensions of biodiversity management that demand better information to allow managers to better target sources and understand the challenge. These are:

- *Prioritisation* - where to expend effort, i.e. not everything can be managed. There is a need to focus on managing threats to a network of sites that represents the full range of ecosystems and habitats and in so doing provides the best chance of maintaining the full range of species. There is currently no consistent approach to prioritisation amongst regional councils or between regions and other players. Different approaches, criteria, and scales are applied with significant reliance on professional but inherently subjective assessment.
- *Monitoring outcomes* – knowing how much to intervene and how effective intervention has been. The ability to sustain long-term, continuing investment in biodiversity (whether from the public purse or the private sector) depends on the ability to tell a convincing and reliable story about the need for that investment and the effectiveness of past and future investment. Information on the overall state of biodiversity is poor. At the national level biodiversity state indicators (as used for past state of environment reporting) are not fit for purpose. Regional monitoring is patchy with variable indicators used. In the absence of quality, reliable information regional councils and others operate in an environment of some uncertainty and cannot properly target or “size” their intervention, potentially leading to a misallocation of resources.

Pages 72 and 73 of the Report recommend actions for implementing a standardised biodiversity monitoring programme across all regional councils that allows for comprehensive reporting consistent with that of the Department of Conservation.

The Report recommends that reporting covers the state and condition of biodiversity, threats and pressures faced by biodiversity, effectiveness of interventions and community engagement.

Shift 4: Planning and delivering joined-up action.

Experience to date indicates that, even with better prioritisation, the task of effectively managing biodiversity off the public conservation estate has a cost that is likely to exceed current regional council investment. Fortunately there are many players involved in biodiversity. By aligning the activities of other players it is possible to marshal available resources towards (and grow the resourcing available for) agreed priorities.

Page 73 of the Report recommends actions for regional councils, involving a strategic shift towards much closer collaboration with other players including community groups, iwi, DOC, and the private/philanthropic sector. However, DOC and others need to recognise the value of engaging with regional councils and more regularly involve them in conservation/ biodiversity planning.

Shift 5: Modern, fit-for-purpose frameworks:

The Report notes that overall, New Zealand's legislative framework does not provide for clear leadership of biodiversity management, (particularly off public conservation land), and does not expressly acknowledge or encourage the need for partnerships and collaboration between relevant parties.

Page 74 of the Report recommends a shift to a modern, integrated, fit-for-purpose biodiversity management statute, coherently linked to other statutes. The report notes that, in the absence of the Government taking a broader look at the overall framework, there is a need to reconsider the legislative role of regional councils.

With regards to the Government undertaking a broader review of regional council responsibilities for biodiversity, one of the most obvious oddities of the current framework is that the "maintenance of biological diversity" only appears in the RMA and only then as a *function* of councils (i.e. not part of the purpose and principles). Oddly, regional councils have very limited ability to "*maintain biological diversity*", given that such a broad and ambitious goal is also dependent on the exercise of the many functions and powers that rest with other agencies. The regional council's biodiversity role is also odd given that regional councils' most significant contribution to the maintenance of terrestrial biodiversity is usually in the form of active management such as plant and animal pest control over key ecological sites.

Next steps and report conclusions

The Report identifies a series of actions to support regional councils making a more effective contribution to maintaining biodiversity than has been achieved in the past.

We note that while all councils are different, the sector as a whole is supportive of, and endorses, the thinkpiece. The attached Report represents a useful starting point for initiating a regional sector discussion with Government on steps that might be taken to halt biodiversity decline in New Zealand and provides strong guidance and direction on how regional councils might fulfil their biodiversity roles more effectively.

In relation to those shift matters identified in the Report that fit within the control of regional councils, this Council is well advanced in many areas. Of note is the preparation and recent review of the *Biodiversity Strategy for Taranaki Regional Council (2017)* that explicitly addresses many of the Report's key concepts and recommendations.

As Members will be aware, the Council also works closely with a range of groups and individuals, protecting and enhancing biodiversity in the region. It offers significant support to landowners or to trusts for biodiversity projects on private land, such as Environmental Enhancement Grants. It was instrumental in the signing of the Taranaki Biodiversity Forum Accord in 2012, and is a core funder of the Taranaki Biodiversity Trust, the organisation behind Wild for Taranaki, which was launched in 2016.

Decision-making considerations

Part 6 (Planning, decision-making, and accountability) of the Local Government Act 2002 has been considered and documented in the preparation of this agenda item. The recommendations made in this item comply with the decision-making obligations of the Act.

Financial considerations—LTP/Annual Plan

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

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 Biosecurity Act 1993.

Legal considerations

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

Attachment – one separate report

Document number 1886721: *Enfocus (2017), Addressing New Zealand's Biodiversity Challenge.*

Agenda Memorandum

Date 29 August 2017



**Memorandum to
Chairperson and Members
Policy and Planning Committee**

**Subject: Environmental Protection Authority
grants marine consent for sand mining
in part of South Taranaki Bight**

Approved by: A D McLay, Director – Resource Management
B G Chamberlain, Chief Executive

Document: 1915246

Purpose

The purpose of this memorandum is to inform the Committee that the Environmental Protection Authority (EPA) has granted consents to Trans-Tasman Resources Ltd (TTR) to extract iron sand within the South Taranaki Bight and to outline TRC's ongoing role in relation to this project.

Executive summary

On 3 August 2017 the EPA Decision Making Committee (DMC) issued a 350 page decision which granted a marine consent for TTR to extract iron sand within the South Taranaki Bight. The consent was subject to 109 conditions to address matters raised by submitters.

Following the granting of consents submitters have 15 days to appeal the decision to the High Court on points of law and consent will not commence until all appeals have been resolved.

Taranaki Regional Council (TRC) noted within its submission that, if approval was given, a collaborative approach between the EPA and Council should be undertaken for monitoring and enforcement of activities to address the environmental effects felt within the coastal marine area where Council has jurisdiction. Condition 61 provides for the establishment of a Technical Review Group, which will provide technical advice to TTR. TRC is invited to provide a representative on this group. The costs for members of the Group will be met by TTR.

TRC also noted that the Council is likely to have to respond to public complaints within the project area not knowing whether the complaints are related to TTR and that this will impose unnecessary costs on ratepayers. There was no response to this concern. The EPA, as consent authority, will be responsible for responding to any public complaints.

Environmental data in the CMA and EEZ has been gathered as part of the application process and more is scheduled to be obtained over a two year intensive study. Compliance monitoring information will also be collected. All of this data will be available to the Council and be useful for environmental management.

Recommendations

That the Taranaki Regional Council:

1. receives the memorandum *EPA grants consents to Trans-Tasman Resources Ltd to extract iron sand within the South Taranaki Bight*
2. notes the EPA's decision to grant consent to Trans-Tasman Resources Ltd to extract iron sand within the South Taranaki Bight
3. notes TRC's ongoing role in relation to this project.

Background

In August 2016 Trans-Tasman Resources Ltd (TTR) lodged its second application with the EPA for marine consents to undertake a proposed iron sand extraction project in the South Taranaki Bight of New Zealand's Exclusive Economic Zone (EEZ) some 22 to 36 kilometres offshore of Patea. The area lies outside of the Council's jurisdiction but actual and potential effects will be experienced within the coastal marine area (CMA) where the Council does have jurisdiction.

The project area covers 65.76 square kilometres in water depths ranging from 20 to 42 metres. TTR proposes to extract up to 50 million tonnes of seabed material per year targeting the recovery of iron sand deposits. Of the extracted material, approximately 10% by volume will be processed into iron ore concentrate for export. The remaining de-ored sediment will be re-deposited on the seabed within the previously excavated area via a controlled discharge system.

The Council made a comprehensive submission to the first application in January 2014 on matters that were of interest or concern to the Council at the time. A hearing was then held, at which the Council presented its submission to the DMC. The application was subsequently declined by the EPA because of a lack of information. TTR chose to undertake further work and to resubmit a fresh marine consent application.

The current proposal is essentially the same as that lodged by TTR in 2013 but significant new scientific and technical work on the proposal has now been undertaken.

Senior Council resource management and scientific staff have been engaging with TTR over the last two years on the proposal and this engagement has involved expert conferencing and the exchange of information. TTR has provided the Council with further information when requested. The outcome of this process is that the potential effects of the mining operation are now better understood.

Council submitted on TTR's application and acknowledged the additional work that had been carried out by TTR.

The purpose of the submission was to provide information to the DMC that may be helpful to the DMC in arriving at a decision under the EEZ Act. It did not therefore either support or oppose the application.

The submission set out the Council's adopted policy framework that guides the Council in making decisions under the RMA. This is one of thirteen matters that the EPA is required to take into account when considering an application.

Key issues identified within the submission were to do with continuing uncertainty about the cumulative effects of the sediment plume on primary productivity/ecology and increased smothering within the broader marine environment. Also how the mining operations, if consented, would be regulated and monitored given that the mining proposal would give rise to potentially significant cross boundary effects in the CMA. A hearing was held at which the Council presented its submission to the DMC.

Discussion

On 3 August 2017, the EPA granted consents for TTR to extract iron sand within the EEZ in the South Taranaki Bight. A marine consent was granted, subject to 109 conditions. Consent conditions address matters such as environmental limits (for the protection of benthic ecology, seabirds, marine mammals etc.) operational controls, pre-commencement monitoring and the establishment of groups for technical review and community liaison. The DMC decision can be viewed at:

http://www.epa.govt.nz/EEZ/EEZ000011/TTRL_Marine_Consent_Decision_EEZ000011_FINAL_version.pdf

The DMC was split in their decision with two members, including the chair who had the casting vote, supporting the granting of consents and two members opposing. Following the granting of consents submitters have 15 days to appeal the decision to the High Court on points of law and the proposal will not commence until and unless all appeals have been satisfactorily resolved.

Points of law essentially relate to the process that was followed and not whether the correct decision was made on the evidence presented and concerning the environmental effects of the activity. Appeals on the decision have been signalled by Ngati Ruanui Iwi and Kiwi's Against Sea bed Mining who opposed the application.

Although the project area lies outside of the Council's Resource Management Act jurisdiction, potential effects may be experienced within the coastal marine area (CMA) where the Council has jurisdiction.

Key issues identified within Council's submission were the continuing uncertainty about the cumulative effects of the sediment plume on primary productivity/ecology and increased smothering within the broader marine environment, and how the mining operations would be regulated and monitored.

Sediment plume effects on primary productivity/ecology and smothering have been addressed through several consent conditions. Suspended sediment concentration limits are included (conditions 5 and 6) above which extraction activities shall cease, and conditions also limit changes to benthic ecology (condition 7). For example, the activity is not able to result in more than a 5 % reduction in: overall abundance of macro fauna and flora, the

average number of macro-faunal and floral taxa present or a reduction in the total macro-faunal and floral biomass. The operator is required to maintain, calibrate and validate a sediment plume model (conditions 52 and 53) to allow comparison of modelled and measured sediment plume properties and determine whether monitoring sites are appropriate.

Monitoring is required (conditions 54 to 59) and supported by the establishment of a technical review group (conditions 61 to 65), and reporting requirements (conditions 103 to 105). Two years of pre-commencement monitoring is mandated (conditions 48 to 51) to establish a baseline for the area. This information will be used for comparison, once the activity commences, against set limits (e.g. underwater noise, suspended sediment, benthic ecology) at identified monitoring sites. Monitoring sites include the North and South Traps (that are recognised as areas of outstanding coastal value in the Council's Regional Coastal Plan), Graham Bank and the Rolling Grounds, amongst others.

TRC noted within its submission that in the event consent was granted '*a collaborative approach between the EPA and the Council should be undertaken for monitoring and enforcement of the activities.*' Establishment of a Technical Review Group (TRG), on which TRC is invited to provide a representative (conditions 61 to 65) goes some way to addressing this request. The Group will provide technical advice to TTR, including on the appropriateness of compliance monitoring, determining if any activities result in adverse effects that were not anticipated at the time of granting the consent and on recommending a consent review to the consent holder. The TRG will comprise the consent holder, TRC, Fisheries Inshore NZ, the Kaitiakitanga Reference Group, Te Tai Hauaru Regional Fishing Forum, Department of Conservation, and the Kupe Field operator. The costs for TRG members will be met by TTR. The TRG is to be formed at least six months prior to TTR commencing two years of environmental monitoring, which must be completed prior to commencement of any seabed material extraction activities.

TRC also noted within its submission that '*Council is likely to receive and will have to respond to any public complaints in the area given that it will not know whether the complaint is a result of the TTR operation or not until investigations are carried out, imposing unnecessary costs on the Council and its ratepayers.*' There was no response to this concern. The EPA, as consent authority, will be responsible for responding to any public complaints.

Environmental data has been gathered as part of the application process and more is scheduled to be obtained over a two year intensive study. Compliance monitoring data and information will also be collected. All of this data will be useful for this Council's environmental management role in the CMA.

Decision-making considerations

Part 6 (Planning, decision-making and accountability) of the *Local Government Act 2002* has been considered and documented in the preparation of this agenda item. The recommendations made in this item comply with the decision-making obligations of the *Act*.

Financial considerations—LTP/Annual Plan

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

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*.

Legal considerations

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

Agenda Memorandum

Date 29 August 2017

**Memorandum to
Chairperson and Members
Policy and Planning Committee**



**Subject: National Environmental Standard for
Plantation Forestry**

Approved by: A D McLay, Director – Resource Management

B G Chamberlain, Chief Executive

Document: 1912802

Purpose

The purpose of this memorandum is to introduce the final gazetted *National Environmental Standard for Plantation Forestry* (NES-PF) and to outline Taranaki Regional Council (the Council) requirements relating to its implementation.

Further information is available on the Ministry for Primary Industries (MPI) website <http://www.mpi.govt.nz/growing-and-producing/forestry/overview/national-environmental-standards-for-plantation-forestry>.

Executive summary

- Under the Resource Management Act 1991 (RMA), regional policy statements and plans must give effect to any national environmental statement.
- The NES-PF was published on 3 August 2017 and will commence on 1 May 2018.
- The NES-PF aims to maintain or improve the way New Zealand manages the environmental effects of plantation forestry while also increasing the efficiency and certainty of managing plantation forestry activities.
- The NES-PF regulations apply to any forest of more than 1 hectare that has been planted specifically for commercial purposes and harvesting. It does not apply to trees grown for fruit, nut crops, shelter belts, or nurseries.
- Eight core plantation forestry activities are covered, these being:
 - afforestation (planting new forest);
 - pruning and thinning;
 - earthworks;
 - river crossings;
 - forestry quarrying;
 - harvesting;
 - mechanical land preparation; and
 - replanting.

- Most forestry activities are permitted by the NES-PF as long as foresters meet specific conditions to prevent significant adverse environmental effects.
- Councils will no longer need to develop forestry-specific rules in their plans for those activities covered by the NES-PF or include forestry activities under general plan rules.
- The NES-PF involves the Council in some additional work and will require changes to the way councils manage plantation forestry activities under the RMA. Initially it will involve considerable staff time including time to train in the application of the rules.
- Officers will also be reviewing existing advisory, monitoring, and compliance programmes to ensure they are fit for purpose. Of particular note are potential monitoring charges for permitted activities under the NES-PF.
- The Council has just under nine months to identify any plan rules that duplicate or conflict with the NES, or which deal with the same effects. As soon as practicable after 1 May 2018, certain rules must be removed from the *Regional Freshwater Plan for Taranaki* and *Regional Soil Plan for Taranaki*. These plan changes do not require Council to use the public process associated with Schedule 1 of the RMA.
- To assist Councils and the forestry sector with implementing the regulations, MPI are seeking to provide guidance resources and run workshops on how the regulations will work in practice.

Recommendations

That the Taranaki Regional Council:

1. receives the memorandum on the *National Environmental Standard for Plantation Forestry*
2. notes the promulgation of the NES-PF occurred on 3 August 2017 and commences on 1 May 2018
3. notes that the Council will be reviewing its plans and advisory, monitoring, and compliance programmes relating to forestry activities in the region.

Background

In 2015 the Government released a discussion document on a proposed *National Environmental Standard for Plantation Forestry*. National environmental standards are regulations made under the *Resource Management Act 1991* (RMA) that councils must give effect to.

Development of the NES-PF is part of a Government response to ensure alignment across councils on rules affecting the forestry sector. The Government anticipates that through a NES-PF they can deliver better protection of the environment and deliver significant savings in compliance costs for 1.7 million hectares of plantation forestry across New Zealand.

Members will recall that the development of the NES-PF has been in progress for some time. This Council submitted on the original discussion document and more recently in relation to a proposal to allow councils to charge for monitoring permitted activities under the NES-PF.

The NES-PF was published on 3 August 2017 and will commence on 1 May 2018. A copy of the NES-PF and supporting information is available on the Ministry for Primary Industries (MPI) website <http://www.mpi.govt.nz/growing-and-producing/forestry/overview/national-environmental-standards-for-plantation-forestry>.

In Taranaki the current regulatory regime is essentially a function of the scale of the harvest operation, the land slope on which it occurs and the area of earthworks associated with construction of roads and landing pads. Harvesting small forests on slopes less than 28 degrees is generally permitted, subject to conditions. Harvesting on steep land (> 28 slope) and in areas more than five hectares requires a resource consent.

The National Environmental Standard for Plantation Forestry

The NES-PF applies to foresters throughout New Zealand and directs local authorities (both regional and district) on how they will regulate the environmental effects of plantation forestry. The stated purpose of the NES-PF is to:

- maintain or improve the way New Zealand manages the environmental effects of plantation forestry; and
- increase the efficiency and certainty of managing plantation forestry activities.

The NES-PF defines "plantation forest" or "plantation forestry" as a forest deliberately established for commercial purposes, being at least one hectare of continuous forest cover that has been planted, and has or will be harvested or replanted. It does not apply to trees grown for fruit, nut crops, shelter belts, or nurseries.

Eight "plantation forestry activities" are then defined and given an activity status, these being:

1. afforestation (planting new forest);
2. pruning and thinning-to-waste (selective felling of trees where the felled trees remain on site);
3. earthworks;
4. river crossings;
5. forestry quarrying (extraction of rock, sand, or gravel within a plantation forest or for operation of a forest on adjacent land);
6. harvesting;
7. mechanical land preparation; and
8. replanting.

Most forestry activities are permitted by the NES-PF as long as foresters meet specific conditions to prevent significant adverse environmental effects.

The associated regulations—the *Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017*—are 74 pages long and extremely detailed. They provide details of controlled, permitted, restricted discretionary and discretionary activities for each of the core eight activities, and specific guidance as to the functions of regional councils and territorial authorities in relation to those activities. In effect, the regulations are a form of resource consent.

Regional and district councils are also able to impose stricter rules in relation to –

- significant natural areas;
- outstanding natural features and landscapes;
- specified geological areas ; and
- sensitive receiving environments.

A local rule made by the Council can also be stricter than the NES-PF if it is needed to give effect to the National Policy Statement for Freshwater Management or the New Zealand Coastal Policy Statement.

Activity status under the NES makes extensive use of an electronic "Erosion Susceptibility Classification" tool, under which all land in New Zealand is assigned to four categories of erosion susceptibility according to risk:

1. low (green);
2. moderate (yellow);
3. high (orange); and
4. very high (red).

Plantation forestry activities are generally permitted in green zones, and some are also permitted in yellow and orange zones. Where foresters cannot comply with permitted activity conditions they must seek resource consent for the activity.

How do local authorities implement the NES?

The NES-PF is by far the most comprehensive NES released to date. It arguably represents a plan chapter in itself.

Councils will no longer need to develop forestry-specific rules in their plans for those activities covered by the NES-PF or include forestry activities under general plan rules. The Council has almost nine months to identify any plan rules that duplicate or conflict with the NES, or which deal with the same effects. As soon as practicable after 1 May 2018, those rules must be removed from the plan and/or proposed plans, without needing to use the public Schedule 1 process of the RMA.

This Council has four effects-based (rather than activity focused) plans covering freshwater, land, coastal and air resources in the Taranaki region. Forestry activities may be covered in one of two regional plans –the *Regional Freshwater Plan for Taranaki* and *Regional Soil Plan for Taranaki* (depending upon where their effects lie). Officers will be reviewing relevant Plan provisions to ensure no plan rules duplicate or conflict with the NES-PF.

In due course Council may wish to consider plan changes, to insert new rules of the type that are allowed to be more stringent than the NES. Of note the NES-PF does not regulate some types of effects and some forestry-related activities, such as effects on cultural and historic heritage and the effects of logging truck movements. These continue to fall within the scope of regional and district plan rules.

The Council will also be seeking to review existing advisory, monitoring and compliance programmes to ensure they are fit for purpose.

The above will involve considerable staff time. Eventually the changes may reduce the costs of plan development. However Council planning, consenting, monitoring and inspectorate staff will initially need to spend time training in the application of the rules to forestry activities, and how they relate to other rules in plans and other legislation.

Of particular note, are potential compliance monitoring charges for permitted forestry activities under the NES-PF.¹ As previously noted, permitted activities under the NES-PF for forestry are subject to a raft of conditions that must be complied with. Given the subjectivity inherent in some of the permitted activity conditions (e.g. slash and debris management) Council will need to redesign its compliance monitoring and charging regime for forestry activities to ensure environmental effects are being appropriately addressed. Any setting and recovery of monitoring costs from the permitted forestry activities will not be possible for 2017/18 as the charges have already been set. While this is an unfortunate outcome of the process it should not have a major impact on this Council given the scale of the activity here and the limited two month period when no charging can occur.

In addition to reviewing monitoring and compliance programmes, officers will be working with industry to develop appropriate guidance and educational material on what is required to meet NES-PF requirements in the Taranaki region. To assist councils and the forestry sector with implementing the regulations, MPI are also seeking to provide guidance resources and run workshops on how the NES-PF will work in practice.

Whether the NES-PF delivers the proposed regulatory and cost benefits to industry will be determined when it is applied for a period of time under variable climatic conditions. The matters required to be monitored in the NES-PF are more than those included in the Council's permitted activity rules so monitoring costs will increase. MfE should gather data to verify the cost benefit analysis which supported the NES-PF.

Decision-making considerations

Part 6 (Planning, decision-making, and accountability) of the *Local Government Act 2002* has been considered and documented in the preparation of this agenda item. The recommendations made in this item comply with the decision-making obligations of the *Act*.

Financial considerations—LTP/Annual Plan

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

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 *Biosecurity Act 1993*.

Legal considerations

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

¹ Recent amendments to the RMA now allow councils to recover the costs of monitoring activities that are permitted subject to this being explicitly provided for in an NES.

Agenda Memorandum

Date 29 August 2017



**Memorandum to
Chairperson and Members
Policy and Planning Committee**

Subject: Havelock North Drinking Water Inquiry

Approved by: A D McLay, Director – Resource Management

B G Chamberlain, Chief Executive

Document: 1871397

Purpose

The purpose of this memorandum is to briefly outline the main findings from Stage 1 of the Havelock North Drinking Water Inquiry, particularly from the point of view of regional council responsibilities, and to advise Members of the joint work underway between this Council, water supply authorities and drinking water assessors in the region to review systems and processes in regard to the findings of the Inquiry.

Executive summary

In August 2016, an outbreak of gastroenteritis occurred in Havelock North. Some 5,500 of the town's 14,000 residents were estimated to have become ill as result of the outbreak. The cause of the outbreak was traced to *E. coli* from sheep excreta contaminating two bores in Brookvale Road on the outskirts of Havelock North, owned and managed by the Hastings District Council.

The outbreak raised questions about the safety and security of New Zealand's drinking water. As a result, in September 2016, the Government established an Inquiry into the outbreak.

The Inquiry has proceeded in two stages. Stage 1 focused on identifying what caused the outbreak and assessing the conduct of those responsible for providing safe drinking water to Havelock North. The Stage I report was released on 10 May 2017.

Prior to the Inquiry report the Council sought interest from water supply authorities (district councils) and drinking water assessors (Taranaki District Health Board) in the region regarding interest in meeting to discuss the Inquiry findings. A meeting was then held to review systems and processes in regard to the findings of the Inquiry.

The initial response was there were no major flaws identified and that adequate safeguards are in place with respect to safe drinking water in Taranaki. However, we will look to adjust our processes and procedures if necessary to make sure they take full account of the Inquiry

findings in relation to Havelock North. Unlike in Hawkes Bay, Taranaki regulators have a long history of cooperation and coordination.

This Council has a process in place to implement the national environmental standard for drinking water. Ninety two percent of water is taken for drinking water from surface water sources in the region with the remainder from groundwater, mainly in South Taranaki.

This memorandum presents the results of the Inquiry, particularly from the point of view of regional council responsibilities, and introduces the joint work underway to review arrangements in this region.

Recommendations

That the Taranaki Regional Council:

1. receives the memorandum on the Havelock North Drinking Water Inquiry
2. notes the joint work underway with this Council, water supply authorities and drinking water assessors in the region to review systems and processes in regard to the findings of the Inquiry.

Background

In August 2016, an outbreak of gastroenteritis occurred in Havelock North. Some 5,500 of the town's 14,000 residents were estimated to have become ill as result of the outbreak. The cause of the outbreak was traced to *E. coli* contamination of two bores in Brookvale Road on the outskirts of Havelock North, owned and managed by the Hastings District Council.

The outbreak raised questions about the safety and security of New Zealand's drinking water.

As a result, in September 2016, the Government established an Inquiry into the outbreak.

The Inquiry has proceeded in two stages. Stage 1 focused on identifying what caused the outbreak and assessing the conduct of those responsible for providing safe drinking water to Havelock North. The Stage I report was released on 10 May 2017.

Stage 2 of the Inquiry will address lessons learned for the future and the steps to be implemented to reduce the likelihood of such an outbreak occurring again. Hearings are underway for Stage 2. The Stage 2 report will be presented to the Government in September 2017. Recommendations for changes to the way the country's drinking water supplies are managed will follow.

Findings of Stage 1

The Inquiry found that there were a number of failings by the Hastings District Council, the Hawkes Bay District Health Board which employed drinking water assessors appointed under the Health Act 1956, and the Hawkes Bay Regional Council, being the key parties with responsibility for the water supply regime in Havelock North.

The Inquiry found that none of the faults, omissions or breaches of standards directly caused the outbreak but it did note that a different outcome may have occurred if any of the faults had not occurred.

The Inquiry also noted that regulatory framework around the supply of drinking water used a multi barrier approach to safety. It noted that clean, safe drinking water requires protection of the source; the operation by the water supplier of adequate and appropriate treatment and a secure distribution or reticulation system; and proper monitoring and testing for contaminants.

The main problems identified were:

- a lack of collaboration and liaison between the councils that resulted in a number of 'missed opportunities' that may have prevented the outbreak;
- the regional council failed to meet some of its responsibilities under the Resource Management Act 1991 (implementation of the National Environmental Standard for Drinking Water) and to take steps to assess the risks of contamination;
- the condition imposed on the water take permit granted to the district council was too broad and was not adequately monitored by the regional council;
- the district council did not learn from its past experiences and made key omissions, including in its assessment of risks to the drinking water supply and breached the Drinking-water Standards;
- insufficient supervision of tasks that were delegated within the district council, resulting in delays to the Water Safety Plan;
- inadequate maintenance of plant equipment;
- A lack of contingency/emergency planning;
- Drinking water assessors did not take an active enough role in applying the Drinking-water Standards and should have been stricter in ensuring the district council complied with its responsibilities.

In relation to the Hawkes Bay Regional Council, the Inquiry found that it had not adequately inquired into aquifer contamination risks from the district council's water extraction activities at Brookvale Road.

The Inquiry found that the Regional Council's resource consent condition concerning the 'safe and serviceable' state of the Brookvale Road bores was too broad and that the Regional Council's compliance monitoring of the district council's resource consent fell short of the required standard.

The Inquiry also found that regular and meaningful cooperation and collaboration between the regional and district councils was lacking and that the regional council failed to initiate and effective level of liaison between them.

The Inquiry also commented specifically on the Drinking Water National Environmental Standard (NES) that had come into force in 2008. They noted that the NES in respect of drinking water sources provided statutory recognition of the importance of the first barrier in the multi-barrier risk management system attached to safe drinking water. The Regional Council came in for some criticism that it did not apply the NES very rigorously in this respect.

The Government has since written to all local authorities seeking reassurances that they are meeting all legal obligations and that appropriate mechanisms are in place to ensure the necessary collaboration is occurring across all agencies responsible for safe drinking water.

Taranaki response

A review meeting has been held between officials to assess the Stage 1 report of the Inquiry and agreement reached that systems and processes will be reviewed. The initial response was there were no major flaws identified and that adequate safeguards are in place with

respect to safe drinking water in Taranaki. However, we will look to adjust our processes and procedures if necessary to make sure they take full account of the Inquiry findings in relation to Havelock North. Unlike in Hawkes Bay Taranaki regulators have a long history of cooperation and coordination. The results of the review will be presented to each regulator.

Stage 2

Hearings for Stage 2 of the Inquiry are already underway. Recommendations for changes to the way drinking water supplies are managed will no doubt arise from Stage 2. The regional council sector is involved in the review and information has been sought from each council. The information includes the systems and processes that are in place to implement the NES for drinking water and where drinking water is abstracted (for example groundwater or surface water). This Council has a process in place to implement the NES for drinking water. Ninety two percent of water is taken for drinking water from surface water sources in the region with the remainder from groundwater, mainly in South Taranaki.

Officers will keep Members up to date on developments as they come to hand.

Decision-making considerations

Part 6 (Planning, decision-making and accountability) of the *Local Government Act 2002* has been considered and documented in the preparation of this agenda item. The recommendations made in this item comply with the decision-making obligations of the *Act*.

Financial considerations—LTP/Annual Plan

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

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*.

Legal considerations

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

Agenda Memorandum

Date 29 August 2017



**Memorandum to
Chairperson and Members
Policy and Planning Committee**

**Subject: Report on Advocacy and Response
activities for the 2016/2017 year**

Approved by: A D McLay, Director – Resource Management

B G Chamberlain, Chief Executive

Document: 1913020

Purpose

The purpose of this memorandum is to report to the Committee on advocacy and response activities for the 2016/2017 year.

Executive summary

The 2016/2017 Annual Plan has a level of service in relation to advocacy and response activities of approximately 20 submissions made on policy initiatives proposed by other agencies.

In the 2016/2017 year, 31 submissions were made (19 in 2015/2016).

Submissions were made on the Government's *Clean Water* consultation proposals and feedback provided on reviews of progress in implementing the *National Policy Statement for Freshwater Management*.

It was also a busy year for land transport with submissions made on the State Highway 3 Awakino Gorge to Mt Messenger programme, the draft *Government Policy Statement on Land Transport* and the draft *Investment Assessment Framework*. Other matters that the Council made submissions on were the Trans-Tasman Resources Limited application for marine consents, a proposed trade waste bylaw for South Taranaki District Council and district plan reviews at the New Plymouth and Stratford district councils.

Senior council staff were also involved in various working parties or other for a locally or in Wellington and elsewhere to advise on policy development.

The net effect of the Council's wide-ranging advocacy and response activities has been in the majority of cases to make policy proposals more relevant, pragmatic and cost-effective for the region.

Recommendations

That the Taranaki Regional Council:

1. receives the memorandum on *Advocacy and Response activities for the 2016/2017 year*
2. notes that thirty-one (31) submissions were made during the year on the policy initiatives of other agencies
3. notes that senior staff were also involved in various working parties or other fora on central government policy development and review projects.

Background

The 2016/2017 Annual Plan has the following level of service for advocacy and response activities for the 2016/2017 year:

Level of service

Effective advocacy on behalf of the Taranaki community on matters that affect the statutory responsibilities of the Council or that relate to matters of regional significance, which are of interest or concern to the people of Taranaki.

Target

Approximately 20 submissions made per year, with evidence of successful advocacy in most cases.

Under 'What we plan to do' in 2016/2017 the Annual Plan states:

Advocacy and response

Assess the implications of policy initiatives proposed by other agencies including discussion documents, proposed policies, strategies, plans and draft legislation, and respond within required timeframes on approximately 20 occasions per year.'

Effective advocacy on behalf of the Taranaki community on matters that affect the statutory responsibilities of the Council or that relate to matter of regional significance, which are of interest or concern to the people of Taranaki, is an important area of work for the Council.

However, the amount of effort that is put into advocacy and response work is determined to a large extent by those proposing policy changes, or draft legislation. As a result, in any one year, the number of submissions made may be below the level of service indicated in the Long-Term Plan or Annual Plan, or may be above that level.

Where the policy proposals are related directly to the Council's core statutory obligations or we have knowledge or experience that will be of benefit to those proposing the change, priority is accorded to these.

Submissions made in 2016/2017

The Council made 31 submissions to policy proposals or initiatives by various agencies in 2016/2017. This compares with 19 submissions made in the previous year (2015/2016) and 22 in 2014/2015.

This was a considerable jump in the number of submissions made over recent years.

The number of submissions made over the last 5 years is shown in Figure 1 below.

The full list of submissions made in 2016/2017 and the outcome of those submissions (where known) are shown in Table 1. It shows a relatively high rate of success with the net effect that policy proposals are more cost-effective for the region.

Submissions were made with input from staff across the Council. All submissions were made within the required timeframes.

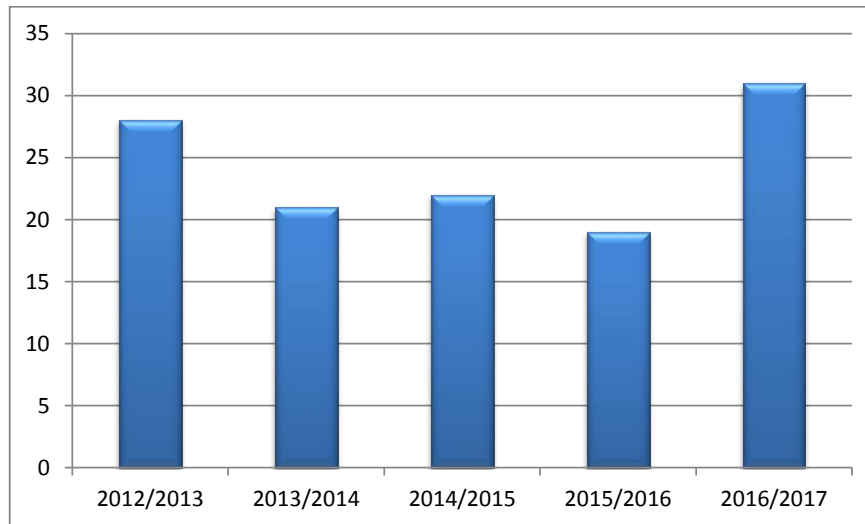


Figure 1 Number of submissions made by year

Table 1 Submissions made in 2016/2017

Submission made to	Policy initiative or proposal	Result
Ministry for the Environment	Proposed National Policy Statement on Urban Development Capacity	Submission was considered
Hon. Christopher Finlayson	Crown support package for Parihaka: Council involvement in the support package	Submission was accepted
Ministry for the Environment	Feedback on draft stock exclusion regulations	Submission was considered and changes made
Ministry of Transport	Input into Transport SIG submission to the Ministry of Transport on the GPS on Land Transport 2015/2018	Submission was considered and changes made
Hon. Christopher Finlayson	Delay in passing Treaty Settlement legislation	Submission was considered
Transport and Industrial Relations Committee	Input into Transport SIG submission on the Land Transport Amendment Bill	Submission was considered
Environmental Protection Authority	Trans-Tasman Resources Limited application for marine consents	Submission was considered and conditions imposed to address issues

Submission made to	Policy initiative or proposal	Result
Department of Conservation	New Zealand Coastal Policy Statement Effectiveness Review	Submission was considered and changes made
New Plymouth District Council	Draft District Plan Review (on behalf of Taranaki Civil Defence Emergency Management Group)	Submission forwarded. Matter is under consideration
New Plymouth District Council	Draft District Plan Review	Submission forwarded. Matter is under consideration
Stratford District Council	District Plan Review Issues Paper	Submission forwarded. Matter is under consideration
South Taranaki District Council	Proposed Trade Waste Bylaw	Submission was considered and changes made
New Zealand Transport Agency	Awakino Gorge to Mount Messenger Programme (on behalf of SH 3 Working Party)	Submission forwarded. Matter is under consideration
New Zealand Transport Agency	Awakino Gorge to Mount Messenger Programme	Submission forwarded. Matter is under consideration
Stratford District Council	King Edward Park Reserve Management Plan	Submission was considered and changes made
Local Government New Zealand	Input into sector response to National Policy Statement for Freshwater Management Implementation Review: Summary report	Submission was considered and changes made
Ministry for the Environment	National Policy Statement for Freshwater Management Implementation Review: Summary report	Submission was considered
Ministry for Primary Industries	Draft Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017	Submission was considered and changes made
Ministry of Transport	Draft Government Policy Statement on Land Transport 2018/19 – 2027/28	Submission forwarded. Matter is under consideration
New Zealand Transport Agency	Draft Investment Assessment Framework	Submission forwarded. Matter is under consideration
Ministry for the Environment	Clean Water consultation	Submission was considered
Ministry of Business, Innovation and Employment	Managing third party risk exposure from onshore petroleum wells	Submission was considered and changes made
Waikato Regional Council	Draft Regional Road Safety Strategy Review 2017-2021 for the Waikato Region	Submission was considered and support noted
Taranaki Members of Parliament	Latest Government consultation on Clean Water	Letter forwarded
Ministry for the Environment	Further response to MfE review of implementation of the National Policy Statement for Freshwater Management	Submission was considered and changes made
Ministry for the Environment	Further submissions on 'Clean Water' swimmability proposals	Submission was considered and changes made
Minister of Transport	SH 3 Awakino Gorge to Mt Messenger Programme	Submission forwarded. Matter is under consideration
Ministry of Primary Industries	Monitoring of permitted activities under the National Environmental Standard for Plantation Forestry	Submission was considered and changes made
New Zealand Transport Agency	State Highway maintenance concerns	Submission forwarded. Matter is under consideration
New Zealand Transport	State Highway Investment Proposal for Taranaki	Submission forwarded. Matter is

Submission made to	Policy initiative or proposal	Result
Agency		under consideration
Chair, Taranaki Regional Economic Development Strategy	Transport Components of the Taranaki Regional Economic Development Strategy	Submission forwarded. Matter is under consideration.

During the 2016/2017 year, considerable time was spent in responding to central government proposals for further reform of freshwater and to implementation of, and changes to, the *National Policy Statement for Freshwater Management*. There were a number of areas of continuing uncertainty for the Council with the Government's *Clean Water* proposals and a number of issues that required the Council's attention in reports on progress in implementing the *National Policy Statement for Freshwater Management* five years after it was first enacted.

Follow-up work was also undertaken on several other national policy initiatives that were progressed during the year including feedback on draft stock exclusion regulations, draft national environmental standards for plantation forestry and the proposed *National Policy Statement on Urban Development Capacity*.

Also of importance during the year was the opportunity to respond to the Government's earlier announcements of a programme of works to improve the Awakino Gorge to Mt Messenger section of State Highway 3, including a bypass of Mt Messenger. The Taranaki community has long advocated for significant improvements to be made to this section of State Highway 3 and the Council's Regional Transport Committee and the State Highway 3 Working Party, which the Council jointly convenes with the Waikato Regional Council, made strong submissions supporting their preferred option. A final Ministerial announcement of the Mount Messenger bypass works is due at the end of August or early September 2017.

The year also saw work begin on the next review of the *Government Policy Statement on Land Transport* with an opportunity to provide feedback to the Ministry of Transport on a draft GPS. Related work involved the Council in making submissions to the New Zealand Transport Agency on their draft *Investment Assessment Framework* and *State Highway Investment Proposal* for Taranaki. These documents will be important for the Council when the review of the Regional Land Transport Plan is completed in the 2017/2018 financial year.

The Council made a submission to the Environmental Protection Authority in relation to an iron sand mining operation proposed by Trans Tasman Resources Ltd off the coast from Patea. Although the applications for marine consents were in the Exclusive Economic Zone and therefore outside the area of the Council's jurisdiction, the effects of the iron sand mining were likely to be felt within the Council's area of jurisdiction. The Council's submission did not support or oppose the application but raised a number of issues for the Decision Making Committee to consider.

Submissions were made to the New Plymouth and Stratford district councils as they progressed with the reviews of their district plans. Members will recall that last year a formal submission was lodged on the proposed South Taranaki District Plan review. A submission was also made to the South Taranaki District Council on a proposed Trade Waste Bylaw for the whole South Taranaki District. Members will recall that the proposed bylaw was an outcome of an enforcement order that was associated with enforcement action concerning the disposal of excess dairy product at the Eltham Wastewater Treatment Plant.

It is sometimes difficult to determine, given the processes adopted, whether the submissions have made a difference to the policy or other matters under consideration. In some cases there is no formal feedback that the submissions were successful (or not) while in others no or limited feedback is provided. Senior council staff receive anecdotal feedback on submissions that is very positive, and that changes in policy have been made as a result or other actions taken in recognition of the matters raised.

The Council's reputation and experience as being a successful regulator and policy developer is well recognised and its views valued.

On occasion, the Council has also had direct input into submissions made by regional council convened Special Interest Groups on specific topics or Local Government New Zealand submissions made on behalf of the local government sector as a whole.

Experienced senior Council staff were also involved in various working parties or other fora locally or in Wellington and elsewhere to advise on policy development. These included policy development work or advice in areas as diverse as economic development and visitor destination strategies, natural hazards, the oil and gas industry, biosecurity and finance.

In addition, Council staff respond to many other requests for advice or comment on policy matters.

The net effect of the Council's wide-ranging advocacy and response activities has been in the majority of cases to make policy proposals more relevant, pragmatic and cost-effective for the region. The work has contributed to the Council's community outcomes of a sustainable and prosperous Taranaki.

Decision-making considerations

Part 6 (Planning, decision-making and accountability) of the *Local Government Act 2002* has been considered and documented in the preparation of this agenda item. The recommendations made in this item comply with the decision-making obligations of the *Act*.

Financial considerations—LTP/Annual Plan

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

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Legal considerations

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

Agenda reports

Policy & Planning Committee, August 2017

Item 4

[Addressing NZ's Biodiversity Challenge](#) (5.5 MB)