

# ***Implementation Programme for the National Policy Statement for Freshwater Management***

Taranaki Regional Council

Document number 1493975

November 2015





## Contents

Implementation Programme for the National Policy Statement for Freshwater Management – Taranaki Regional Council .....	1
Purpose .....	1
Context.....	1
Key phases of NPS-FM implementation.....	2
Work to date .....	5
Reporting .....	6
Financial and Resourcing Implications.....	6
Indicative timeline for the Programme.....	7



# Implementation Programme for the National Policy Statement for Freshwater Management – Taranaki Regional Council

## Purpose

The purpose of this document is to outline the staged implementation of key projects that the Taranaki Regional Council (the Council) will undertake to implement the *National Policy Statement for Freshwater Management 2014* (NPS-FM).

The Council is required to prepare and notify this Programme in accordance with Policy E1 of the NPS-FM.

## Context

Freshwater is one of our region's most valuable and important resources. The NPS-FM came into effect on 1 August 2014. It sets a new direction for improving or maintaining water quality and protecting important ecosystems in our lakes, rivers, streams and aquifers. Under sections 62(3) and 67(3)(a) of the Resource Management Act 1991 (RMA), regional policy statements and regional plans must give effect to the NPS-FM.

The NPS-FM does not specify exactly how it should be implemented, or how policy statements and plans should be amended. That will be up to the Council and community to determine, reflecting regional differences.

The Council is required to prepare and notify this Programme in accordance with Policy E1 of the NPS-FM.

Policy E1 reads:

- a) *This policy applies to the implementation by a regional council of a policy of this national policy statement.*
- b) *Every regional council is to implement the policy as promptly as is reasonable in the circumstances, and so it is fully completed by no later than 31 December 2025.*
  - ba) *A regional council may extend the date in Policy E1 (b) to 31 December 2030 if it considers that:*
    - i) *meeting that date would result in lower quality planning; or*
    - ii) *it would be impracticable for it to complete implementation of a policy by that date.*
- c) *Where a regional council is satisfied that it is impracticable for it to complete implementation of a policy fully by 31 December 2015, the council may implement it by a programme of defined time-limited stages by which it is to be fully implemented by 31 December 2025 or 31 December 2030 if Policy E1 (ba) applies.*

- d) *Any programme of time-limited stages is to be formally adopted by the council by 31 December 2015 and publicly notified.*
- e) *Where a regional council has adopted a programme of staged implementation, it is to publicly report, in every year, on the extent to which the programme has been implemented.*
- f) *Any programme adopted under Policy E1 c) of the National Policy Statement for Freshwater Management 2011 by a regional council is to be reviewed, revised if necessary, and formally adopted by the regional council by 31 December 2015, and publicly notified.*

Where Councils cannot implement the NPS-FM by 31 December 2015, i.e. by having a fully operating plan (post appeals/Environmental Court) they must prepare an implementation plan for giving effect to the NPS-FM.

This Council has commenced a review of its *Regional Freshwater Plan for Taranaki* and *Regional Soil Plan for Taranaki* that will give effect to the NPS-FM. However, the ongoing review process and the final adoption of a reviewed plan will occur post 31 December 2015. Therefore this implementation programme has been prepared.

## **Key phases of NPS-FM implementation**

In brief, the Council will implement the NPS-FM using a variety of methods, in particular:

- Amendments to regional plans and, in particular, the *Regional Freshwater Plan for Taranaki* and *Regional Soil Plan for Taranaki*
- Assessment of, and decisions on resource consent applications relating to freshwater resources
- A range of non-regulatory initiatives that sit outside statutory documents and/or the requirements of the RMA. Examples include the developing and refinement of accounting systems for freshwater quality and quantity, and tangata whenua participation on Council standing committees relating to resource management.

Of particular note, this Council has commenced a review of its *Regional Freshwater Plan for Taranaki* and *Regional Soil Plan for Taranaki*, which was made operative on 8 October 2001.

As part of that review process the Council is seeking to prepare and adopt a *Freshwater and Land Management Plan for Taranaki* to give effect to the policies of the NPS-FM. However, the ongoing review process and the final adoption of an operative plan will occur post 31 December 2015.

The Plan review involves a comprehensive process that can be broadly grouped into four key phases:

### **1. Preliminary community and stakeholder engagement:**

As part of that early engagement, the Council has consulted with key stakeholders on freshwater management issues and major proposed changes, established a stakeholder focus group, commissioned research, and prepared a suite of technical documents and position papers that amongst other things assess options for giving effect to the NPS-FM. Based upon that early engagement and preliminary work a draft Plan was prepared with provisions to give effect to the NPS-FM.

The draft Plan was widely released for targeted consultation on 1 May 2015 and feedback from tangata whenua and stakeholders sought.

## **2. *Ongoing information gathering, investigations, engagement and consultation to develop Proposed Plan:***

Following consultation on the draft Plan, further research and community and stakeholder engagement will be undertaken to respond to issues raised in the Plan review to date prior to publicly notifying a revised Plan. Further iwi consultation will be undertaken to recognise and provide for issues of significance to iwi in a Proposed Plan.

Comments received on the draft Plan have highlighted that there are some areas where the Council could usefully take more time to review and gather more information and work through issues with stakeholders in order to avoid or mitigate some of the uncertainties, costs and business risk associated with giving effect to the NPS-FM.

In particular, further research and information gathering, as well as stakeholder engagement, will be undertaken to incorporate new concepts and processes introduced by the NPS-FM into a Proposed Plan, e.g. identifying freshwater management units, their values and attributes, setting water quality/NOF limits, setting environmental flows, and developing the water accounting systems.

As part of that work there is an opportunity to take into account and respond to the Government's announced freshwater and RMA reform programmes. This will help ensure that the Council avoids pre-empting national decisions by formally notifying a proposed plan that could well be overtaken within a short period of time by national policy initiatives. Pre-empting national decisions would be an unnecessary waste of ratepayers' funds.

## **3. *Proposed Plan under Schedule 1 of the RMA:***

A Proposed Plan is prepared and pursuant to Schedule 1 of the RMA a formal process of public submissions/ further submissions and hearings is followed. After the hearing of all submissions Council releases its formal decisions.

Any person who has made a submission on the proposed plan can then appeal this decision to the Environment Court.

## **4. *Appeals and final adoption of the Plan:***

If no appeals are lodged on the Proposed Plan as amended by the decision then the Council can make the plan operative via the process set out in the Schedule 1 of the RMA. If appeals are lodged then the Council will enter into mediation or Environment Court hearings. Only after all appeals are resolved, and the Plan amended accordingly, can the Council then make the Plan operative.

Table 1 below sets out the key activities and milestones in preparing a *Freshwater and Land Management Plan for Taranaki*.

**Table 1:** Phases in preparing the Freshwater and Land Management Plan for Taranaki

Phase	Title	Key Activities	Key Milestones
Phase 1	Developing a draft Plan	<ul style="list-style-type: none"> <li>▪ Targeted stakeholder engagement on key issues</li> <li>▪ Technical and monitoring documents created on topics affecting freshwater quality</li> <li>▪ Research into suggested water quality limits for Taranaki's rivers and streams</li> <li>▪ Identifying NOF values and objectives for Taranaki water bodies</li> <li>▪ Identifying and evaluating policy options for freshwater management</li> </ul>	<ul style="list-style-type: none"> <li>▪ Interim review on the efficiency and effectiveness of the Freshwater Plan (2008) and Soil Plan (2009)</li> <li>▪ Future directions documents for gravel extraction, farm dairy effluent, river and stream bed modification, nutrient management, biodiversity, and oil and gas</li> <li>▪ Water quality limits technical papers</li> <li>▪ Strategic peer review of the draft Freshwater and Land Management Plan for Taranaki</li> <li>▪ Supporting communications material prepared</li> <li>▪ <b>Draft Plan to be completed by May 2015</b></li> </ul>
Phase 2	Development of the Proposed Plan	<ul style="list-style-type: none"> <li>▪ Further stakeholder engagement on key issues, particularly setting NOF values and objectives and setting limits for Taranaki water bodies</li> <li>▪ Further iwi consultation to recognise and provide for issues of significance to iwi</li> <li>▪ Reviewing, responding to, and incorporating RMA and freshwater reforms</li> <li>▪ Further review, research, investigations and information gathering on key issues</li> <li>▪ Identifying and evaluating policy options for freshwater management</li> <li>▪ Revising draft Plan and preparing a Proposed Plan</li> </ul>	<ul style="list-style-type: none"> <li>▪ Submissions and other policy input into RMA and freshwater reforms</li> <li>▪ Technical reports on nutrient management in Taranaki</li> <li>▪ Outstanding and significant waterbodies report prepared and consulted on</li> <li>▪ Summary of feedback on Draft Plan</li> <li>▪ Water quality accounting system developed by July 2016</li> <li>▪ Water quantity accounting system developed by July 2016</li> <li>▪ Section 32 Report</li> <li>▪ <b>Revised Draft Plan to be completed by December 2020</b></li> </ul>
Phase 3	Formal public consultation on a Proposed Plan	<ul style="list-style-type: none"> <li>▪ Notifying the Proposed Plan</li> <li>▪ Receiving submissions and further submissions</li> <li>▪ Hearing the submissions</li> <li>▪ Making and notifying the decisions on submissions</li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Proposed Plan to be publicly notified by December 2020</b></li> <li>▪ Summary of submissions available for further submissions</li> <li>▪ Officers report in response to submissions</li> <li>▪ Council's decisions on submissions</li> <li>▪ Proposed Plan is amended in accordance with decisions</li> </ul>
Phase 4	Appeals and final adoption of the Plan	<ul style="list-style-type: none"> <li>▪ Appeals lodged against part or all of the decision</li> <li>▪ Mediation</li> <li>▪ Environment Court hearing</li> <li>▪ Adoption of the Plan</li> </ul>	<ul style="list-style-type: none"> <li>▪ Court assisted mediation</li> <li>▪ Negotiated Consent Orders</li> <li>▪ Court decision</li> <li>▪ <b>Formal adoption of the Proposed Plan and making it operative by 31 December 2023.</b></li> </ul>



## Work to date

The implementation of the NPS-FM in the Taranaki region does not start from a blank canvas. The Council has significant elements already in place which give effect to the NPS-FM. These key elements include:

- Second generation *Regional Policy Statement for Taranaki*, which became operative on 1 January 2010. The Regional Policy Statement included the identification of outstanding waterbodies, and rivers and stream catchments with high water quality, natural, ecological and amenity values.
- Operative first generation *Regional Freshwater Plan for Taranaki* (2001) that addresses NPS-FM objectives and policies relating to water quality, water quantity, integrated management, values, monitoring, and tangata whenua roles and interests.
- Operative first generation *Regional Soil Plan for Taranaki* (2001) that contributes NPS-FM objectives and policies, particularly in relation to water quality and integrated management.
- In 2008, the Council undertook an interim review, involving targeted consultation, on the efficiency and effectiveness of the Freshwater Plan and in 2009 undertook an interim review on the efficiency and effectiveness of the soil plan.
- Council has been working with land owners on a voluntary basis since the mid 1990s to improve land management practices. Key programmes include the Riparian Management Programme, targeted at dairy farmers on the ring plain and coastal terraces, and the Sustainable Land Management Programme and the South Taranaki and Regional Erosion Support Scheme (STRESS) targeted at hill country farmers.
- Working with industry and district councils to upgrade and where possible eliminate all town waste discharges into rivers.
- A Stakeholder Focus Group was formed to help discuss key issues and key changes and inform the development of a draft Freshwater and Land Management Plan. Representation included:

Federated Farmers	Department of Conservation
Fonterra Shareholders Council	New Plymouth District Council
Fonterra	Forest and Bird
DairyNZ	Ngāti Ruanui
Open Country	Trustpower
PKW	South Taranaki District Council
Fish and Game	Stratford District Council
QEII.	
- Consultation with recognised iwi across the region (Taranaki, Ngāruahine, Ngāti Ruanui, Ngāa Rauru, Ngāti Maru, Ngāti Tama, Ngāti Mutunga, Te Atiawa). All iwi have contributed to a tangata whenua vision and policy development for a draft Freshwater and Land Management Plan.
- Background research on a range of topics relating to water quantity and quality. This includes industry specific ‘future directions’ reports for gravel extraction, farm dairy effluent, nutrient management, indigenous biodiversity, small stream modifications, oil and gas, and outstanding waterbodies.

- Technical and monitoring documents created on topics affecting freshwater quality, plus research into suggested water quality limits for Taranaki's rivers and streams.
- Collation and analysis of data as part of state of the environment monitoring, including preparation of the state of the environment report 2015 *Taranaki as One*, to identify environmental trends and changes over the past five to 20 years or more and to assess the effectiveness of the Council's management responses.
- Industry sector group engagement on key issues and proposed changes.
- Monitoring strategies are in place which forms the basis of the state of the environment programmes and reporting of monitored trends in our waterbodies.
- Draft Plan widely released for targeted consultation on 1 May 2015 and feedback from tangata whenua and stakeholders sought. As part of this engagement, targeted consultation occurred with 154 stakeholders consisting of iwi authorities, district councils, major consent holders, the farming, forestry and oil and gas sector groups, government departments, Taranaki Fish and Game and other non-government organisations with an interest in freshwater and soil conservation issues. In addition 1,892 dairy farmers throughout the region were directly contacted. The Council also made the draft Plan available on its website for any member of the public wishing to comment.

## Reporting

Annual reporting on Programme Implementation is required by Policy E1 (e) of the NPS-FM.

The Council will report annually on how the Programme Implementation is progressing in its Local Government Act Annual Report.

## Financial and Resourcing Implications

If, as a result of the annual reporting of the Implementation Programme, the programme is not on schedule in accordance with the indicative timeline overleaf, the programme will be reviewed along with financial and resourcing requirements as part of the next Annual Plan or Long Term Plan process.

## Indicative timeline for the Programme

The Table below provides an indicative timeline for the implementation of the NPS-FM, including work completed; work in progress; and programmed future actions to complete the project.

		Progressive Implementation Programme																	
Activity		2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
Non - statutory process	State of the Environment monitoring, reporting and review																		
	Interim review of the Regional Freshwater Plan for Taranaki																		
	Interim review of the Regional Soil Plan for Taranaki																		
	Future direction documents on major proposed changes																		
	Establishment and facilitation of a stakeholder focus group																		
	Dairy effluent pond guidelines																		
	Engineering report & benefit/cost analysis for dairy effluent ponds																		
	Review of petroleum waste land farming																		
	Research & technical reports for water quality limits																		
	Development of accounting systems for freshwater quality and quantity																		
	Strategic peer review of draft Plan provisions																		
	Freshwater and Land Management Plan - Engagement Plan																		
	Research and cost/benefit analysis into nutrient mitigation options																		
	Development of Draft Plan and Proposed Plan																		
	Further information gathering, research, investigations & engagement on draft Plan & proposed changes																		

Progressive Implementation Programme																			
Activity		2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
Statutory process (Schedule 1 RMA)	Notification of Proposed Plan																		
	Submissions																		
	Hearing																		
	Decision																		
	Appeals*																		
	Plan made operative																		
Other	Establishment and operation of freshwater quality and quantity accounting systems, including monitoring plans																		
	Progressive implementation programme and annual review																		

\*Assume that all appeals will be resolved and a Plan made operative within a 2-3 year time period