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**Committee** Environment Committee  
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## Regional Freshwater Plan Evaluation

### 1. Purpose

To seek the Council's endorsement of a review of the efficiency and effectiveness of policies, rules, or other methods in the Regional Freshwater Plan.

### 2. Significance of the decision

The matters for decision in this report **do not** trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the Local Government Act 2002.

### 3. Background

The Resource Management Act 1991 (RMA) requires local authorities, at intervals of not more than 5 years, to compile and make available to the public a review of the results of monitoring the efficiency and effectiveness of policies, rules, or other methods in regional plans. The Regional Freshwater Plan (the Plan) was made operative in December 1999.

### 4. Methods used and limitations of the evaluation

To evaluate provisions in the Plan, we have used state of the environment monitoring information (*Measuring up 2005*), a regional plan feedback file that identifies problems staff have encountered when implementing the plan, a database that monitors the implementation of plan methods.

In the Regional Freshwater Plan Evaluation 2006 (the Evaluation) we have assessed the implementation of each method in the Plan and whether each policy (together with the methods) is achieving the objectives. Methods in the Plan include rules and these have also been considered.

This is the first evaluation of one of our regional plans and it has highlighted limitations in our ability to monitor the efficiency and effectiveness of plan provisions. We have no specific monitoring programme for evaluating the effectiveness of permitted activities. Staff have sought additional resources to address this limitation, which is reflected in the LTCCP. Our database for consents (COCO) does not track regional plan provisions that apply to resource consent applications. Like COCO, the Incidents Database was not set up to assess regional rule provisions. The Information Technology Department has recently completed a review of database needs across the organisation and a new integrated database is in the process of being designed.

Evaluating the efficiency of regional plan provisions is particularly difficult. Information on costs is limited to the cost of obtaining a resource consent. The cost to the environment of people's activities, whether consented or permitted, has not been assessed because we do not have the resources to do this.

## **5. Findings**

The complete version of the Evaluation will be tabled at the Committee meeting. The key findings are set out below.

### **Rules**

#### **Stormwater**

The permitted activity rule for stormwater discharges is not effective. Investigation over the last four years of stormwater, urban streams and harbours has identified that conditions in the rule are breached at times. Enforcement of breaches of the rule for any individual stormwater discharge is difficult.

A comprehensive approach that brings together infrastructure management and the regulation of stormwater discharges is needed. Greater Wellington is currently working with territorial authorities on a stormwater action plan for the region. Recent investigations and the work underway with territorial authorities will help us develop more effective rules and other methods when the next version of the Plan is notified.

#### **Taking water**

The permitted activity rule in the Plan for water takes is probably not effective. It allows 20 cubic metres to be taken per person each day. Each permitted water take is linked to a legal title, which means the amount of water taken can significantly increase as a result of subdivision. Also, upstream users can get first use of water that is not available to downstream users – situations have been drawn to our attention when water is not available for domestic or stock use because it has been taken by upstream users.

*Measuring up 2005* has identified that demand for freshwater is increasing in the region and pressure is growing on many rivers, streams and groundwater aquifers. The present permitted activity was intended to include taking water for reasonable domestic use and for stock. A legal opinion that we have recently received considers that taking water for these purposes is already permitted by the RMA. This view has been reinforced by a recent amendment to the RMA.

The permitted activity water take rule has implications for small streams. However, adverse effects associated with the rule are not very widespread across the region. A reduction in the amount of water that the permitted activity allows would be appropriate, but a suitable quantity to include in a permitted activity rule has not yet been established. Without appropriate science behind setting a new limit in the permitted activity rule, Greater Wellington runs the risk of being challenged at the Environment Court.

## **Policies and other methods**

### The relationship with tangata whenua

Provisions in the Plan that address the relationship of tangata whenua with fresh water, sometimes, have not been very effective. For example, we have not worked with iwi to identify sites in water bodies of special value to them. *Measuring up 2005* identifies that Greater Wellington is not taking the principles of the Treaty into account in a systematic way in resource management decision-making, and this applies to fresh water. The opportunity is there to increase implementation of the relevant methods.

### Land use effects on water quality

*Measuring up 2005* identifies that stormwater discharges in urban areas and run-off from rural land (non-point source discharges), including stock access to streams are the contaminants causing most pollution in water bodies across the region. In some water bodies, the result is unacceptable water quality. Policies and the methods that address these types of discharges need to be more effective. Neither of these discharges are controlled at the present time. Both are probably best managed at the sources of the discharges, which means placing greater emphasis on managing land uses for water quality purposes.

Greater Wellington's approach to managing and controlling land use for water quality reasons is dictated by the provisions in the Regional Policy Statement. These provisions are intended to integrate land and water management. The present approach is that territorial authorities, not Greater Wellington, control land use. Any alternative approach needs to be considered, in the first instance, during the review of the Regional Policy Statement (RPS), which is now underway.

Shortcomings in the way wetlands are managed have been identified. For example, vegetation clearance and earthworks in and around wetlands can be a problem. Our approach relies on territorial authorities controlling land use while we control discharges to water and the diversion of water. Once again, the integrated approach to wetland management is dictated by provisions in the RPS. Any alternative approach first needs to be considered during the review of the RPS.

### Groundwater safe yield and water allocation for rivers

The Plan sets extraction limits, called safe yields, for all aquifers in the region. These safe yields identify the amount of water that can be taken from an aquifer while still preserving flow and water quality. Groundwater levels are falling in aquifers of the Parkvale, Martinborough Terraces and Kahutara groundwater zones in the Wairarapa. Extraction limits in these aquifers are approaching the safe yields assigned to them.

We now believe the safe yields estimated for these aquifers are too high. Safe yields in these groundwater zones are being reviewed using an improved methodology and better information than before. Until the results are available, it may be appropriate to amend the Plan to limit any additional takes from these aquifers.

The Plan also identifies minimum flows and allocation limits for 14 rivers in the region. Other rivers have been identified where the same approach will be taken once investigations are complete. Of these others, the following rivers in the Wairarapa are already fully allocated: the Makoura Stream; Otukura Stream; Papawai Stream; Parkvale Stream; Donald Creek and Dock Creek; and the Tauweru River. The Plan could be amended to limit additional takes from these rivers until investigations of minimum flows and allocation limits are completed.

### Water transfers

Prior to notifying the Plan in 1997, Greater Wellington investigated the transferring and trading of water permits as a way of making water use in the region more efficient. The investigation responded to suggestions that permitting the transfer of water permits has the potential to promote trading of water among users, thereby increasing the efficiency of use. The investigation looked at the costs and benefits of a transferable permit system and did not recommend in its favour at the time. (Therefore, the Plan requires resource consents to transfer water permits.)

*Measuring up 2005* has identified that increasing demand for limited water resources means that it is now time for Greater Wellington to look again at transfer and trading of water permits. This issue is being looked at closely by the National Water Programme of Action and we will be guided by the approach that central government decides. An appropriate place to provide direction, in the first instance, will be the Regional Policy Statement, which is currently being reviewed.

## Piping and reclamation of small streams

Guidance in the Plan on the reclamation and piping of small streams, particularly in urban or peri-urban areas, is not very effective. The reclamation or piping of streams, for example during subdivision, is an issue of increasing concern. Intact small streams and wetlands can provide natural flood control, groundwater recharge, trap sediments and pollution, recycle nutrients, provide biological diversity and sustain downstream rivers and estuaries.

Resource consents are required to pipe or reclaim small streams, but these are often processed separately from the land use or subdivision consents. At present, the Plan contains no useful criteria or direction to assist with the assessment of small stream values when development is proposed. The Auckland Regional Council have developed criteria that categorise streams according to their biological values. The approach in their proposed regional plan of having two categories of stream, according to their values and degree of modification, has the potential to be adapted to conditions in Greater Wellington.

## 6. Implementing the findings

The Evaluation of the Plan is a check on how well it is performing. In general, we have found that the Plan provisions are effective. Some changes need to be considered now. Others, such as the identification of criteria for the assessment of small streams, need additional work to support them before plan changes can be considered.

Some of the alternatives identified in the Evaluation will be influenced by the outcome of the Regional Policy Statement, which is currently being reviewed. The effectiveness of these alternative approaches will be considered during that process. The Regional Policy Statement is timetabled for public notification in September 2007. A full review of the Plan is required to begin in 2009, ten years after it became operative. Therefore, review of the Plan should fit well with timing for the Regional Policy Statement

As a “rule of thumb”, the experience of staff is that when making plan changes it is better to provide people with a complete review package than making changes to isolated provisions. Also, we do not have the information to base a single permitted activity rule on for all parts of the region. Because adverse effects of the permitted activity rule for taking water are not widespread, a change can be made when the full plan is reviewed.

One change that we think should be investigated now is to limit additional water takes from the Parkvale, Martinborough Terraces and Kahutara groundwater zones in the Wairarapa. Water levels in these aquifers are dropping even though the estimated safe yields have not yet been reached. Present plan provisions could allow resource consent applications for additional water to be granted.

For similar reasons, limiting additional takes from the following rivers should also be investigated: the Makoura Stream; Otukura Stream; Papawai Stream; Parkvale Stream; Donald Creek and Dock Creek; and Tauweru River. These rivers are already fully allocated. No allocations limits are yet set for them in the Plan. Greater certainty will be provided to potential resource consent applicants if we are clear that no more water is available from these rivers.

## 7. Communication

The full version of the Evaluation will be posted on the Council's website and hard copies will be available to anyone who requests it.

## 8. Recommendations

*It is recommended that the Committee:*

1. **Receive** the report;
2. **Note** the content;
3. **Endorse** the Regional Freshwater Plan Evaluation 2006; and
4. **Direct** staff to investigate the preparation of draft changes to the Regional Freshwater Plan that limit the taking of additional water from the following water bodies:
  - *Parkvale, Martinborough Terraces and Kahutara groundwater zones; and*
  - *the Makoura Stream; Otukura Stream; Papawai Stream; Parkvale Stream; Donald Creek and Dock Creek; and Tauweru River.*

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