

Report 12.531
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Committee Council
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Timetable for implementing the National Policy Statement for Freshwater Management

1. Purpose

To seek adoption by Council of a staged implementation programme to meet the requirements of the National Policy Statement for Freshwater Management (NPS-FW).

2. The decision-making process and significance

Officers recognise that the matters referenced in this report may have a high degree of importance to affected or interested parties.

The matter requiring decision in this report has been considered by officers against the requirements of Part 6 of the Local Government Act 2002 (the Act). Part 6 sets out the obligations of local authorities in relation to the making of decisions.

2.1 Significance of the decision

Part 6 requires Greater Wellington Regional Council to consider the significance of the decision. The term 'significance' has a statutory definition set out in the Act.

Officers have considered the significance of the matter, taking the Council's significance policy and decision-making guidelines into account. Officers recommend that the matter be considered to have low significance.

The decision sought in this report is for Council to adopt a programme of time-limited stages for implementation of the NPS-FW. The programme of time-limited stages is a requirement of the NPS-FW and has to be given effect to by Council. The matter of how the timetable is to be achieved may be of greater significance, and will need to be considered separately when Council makes such a decision.

Officers do not consider that a formal record outlining consideration of the decision-making process is required in this instance.

3. Background

Relevant background information on the following matters is provided:

- Implementation requirements of the NPS-FW
- Key provisions of the NPS-FW
- Greater Wellington Regional Council 's Regional Policy Statement (RPS)
- The new regional plan
- Whaitua/management areas

3.1 Implementation requirements of the NPS-FW

The National Policy Statement for Freshwater Management (NPS-FW) is provided in **Attachment 1**. Policy E1 of the NPS-FW requires:

- Greater Wellington Regional Council to implement the NPS-FW as promptly as is reasonable in the circumstances (Clause b)
- Implementation of the NPS-FW by a programme of defined, time-limited stages by 31 December 2030 where Greater Wellington Regional Council is satisfied that it is impracticable to completely implement a policy in the NPS-FW by 31 December 2014 (clause c)
- Any programme of time-limited stages to be formally adopted by the council within 18 months of the date of gazetting and publicly notifying the NPS-FW (clause d)

3.2 The NPS-FW

Key policy areas that the NPS-FW requires regional councils to give effect to include:

- Establishing freshwater objectives and limits for water quality and quantity for all water bodies in the region
- Avoiding over-allocation and phase out existing over-allocation
- Providing for the efficient allocation and use of water
- Stating criteria for the transfer of water permits
- Improving integrated management of fresh water
- Providing for the involvement of iwi and hapu and ensuring that tangata whenua values and interests are identified and reflected in the management of fresh water

3.3 The Regional Policy Statement

Greater Wellington Regional Council's proposed Regional Policy Statement (pRPS) was notified in March 2010 and decisions made in May 2011, prior to the NPS-FW being gazetted. All matters relating to appeals have now been resolved and consent orders currently lie with the Court for final approval. The freshwater provisions of the pRPS are consistent with the NPS-FW.

Policy C2 of the NPS-FW specifically requires regional policy statements to be changed to the extent needed to provide for the integrated management of the effects of the use and development of land on fresh water, including encouraging the co-ordination and sequencing of regional and/or urban growth, land use and development and the provision of infrastructure. Policies in Greater Wellington Regional Council's pRPS that give effect to policy C2 of the NPS-FW are policies 54, 55, and 57. These policies are given in **Attachment 2**. When read in combination with freshwater policies in the pRPS, staff consider that policies 54, 55, and 57 will give effect to policy C2 of the NPS-FW.

Other provisions of the pRPS that must be given effect to in regional plans reflect what is required in the NPS-FW. For example, policy 11 of the pRPS requires water quality, flows and water levels to be managed to safeguard aquatic ecosystems and for other identified purposes (values). The explanation to policy 11 is that such management is to be achieved by establishing limits for water quality, flows and water levels. Policy 12 of the pRPS states the regional plan is to establish allocation limits for rivers, groundwater and lakes in the region. Policies 19 and 43 of the pRPS requires the regional plan to promote the efficient use of water and water harvesting. Policies 11, 12 and 19 are provided in **Attachment 2**.

3.4 The new regional plan

Greater Wellington Regional Council's five regional plans are currently being reviewed and will be integrated into a single regional plan. Review of two of the regional plans – the Regional Freshwater Plan and the Regional Discharges to Land Plan – is particularly relevant to implementing the NPS-FW. These regional plans presently give effect, at least in part, to some NPS-FW objectives and policies. For example, the Regional Freshwater Plan contains minimum flows, water levels and allocation limits that implement the NPS-FW. Plan Change 4 to the Regional Freshwater Plan (2012) and Plan Change 2 to the Regional Plan for Discharges to Land (2012) give effect to policies A4 and B7 of the NPS-FW.

Rather than provide further analysis of how the present regional plans may give effect to particular NPS-FW policies, the current regional plan review provides an opportunity to give effect to the NPS-FW in full.

The regional plan review and subsequent changes/variations, once notified, follow the First Schedule process of the Resource Management Act 1991 and will not be made operative prior to 31 December 2014. Hence, Greater

Wellington Regional Council has prepared this Programme of Implementation to give effect to policy E1 of the NPS-FW.

3.5 Whaitua/management areas

Greater Wellington Regional Council is currently considering the establishment of catchment management areas to assist with implementing the NPS-FW. The word whaitua is being considered by Council to describe these areas as it adds to the understanding held by tangata whenua that all things are interconnected and mutually dependent, even at a small scale. Whaitua broadly means management area.

Whaitua are comparable with the zones currently being used in Canterbury's water management approach. Also, similar to Canterbury's zone committees, whaitua committees could be established in the Wellington region to consider more detailed catchment specific approaches based on greater community and stakeholder input than a region-wide approach alone can deliver. The potential role of the whaitua committees is described further in section 4.1, below.

A catchment management approach using a process involving whaitua committees has been supported by members of the public and stakeholders in the public engagement process for the new regional plan to date. Such a catchment management approach has also been received favorably at councillors' workshops. At this time, while the Council supports the use of whaitua committees in principle; their number, role, responsibility, membership and operation have yet to be formally approved.

4. The programme of time-limited stages

Greater Wellington Regional Council intends to implement the NPS-FW through the review of its current regional plans. In the first instance, region-wide provisions will be publicly notified prior to December 2013. Region-wide objectives, policies and methods will, in some part, give effect to policies contained in the NPS-FW. For example, region-wide provisions may include interim water quantity limits and targets.

Notification of the region-wide provisions of the regional plan would be complimented by the establishment of management committees for five whaitua in the region. These whaitua committees would develop catchment specific approaches to land and water management as further described below. The work of the whaitua committees would give effect to the NPS-FW in full once adopted by Greater Wellington Regional Council.

Regulatory provisions in the regional plan will be implemented through resource consents. Non-regulatory approaches will be implemented by Greater Wellington Regional Council, together with other interested parties, through work programmes and funding that is provided in the Long Term Plan (LTP). **Attachment 3** gives the programme of time-limited stages for implementing the NPS-FW through the regional plan review.

4.1 The whitua committees

Much of the NPS-FM would be implemented through the secondary process established by Council using whitua committees. The whitua committees would be catchment-based using collaborative processes to develop catchment specific approaches across the region.

The whitua committees would work in partnership with Greater Wellington Regional Council to review freshwater provisions in the regional plan that gives effect to the NPS-FW at a catchment scale. The whitua committees would make recommendations to Council on plan changes/variations to give effect to the NPS-FW. These changes would be within the bounds of the RMA, the NPS-FM and the RPS.

Five whitua are currently proposed, based around the geographic areas of the Wairarapa Valley and Hills, Wairarapa Coast, Wellington Harbour, Porirua Harbour and the Kapiti Coast, as shown in **Figure 1**. Council could potentially establish two whitua committees by 2014. The remaining three whitua committees could be established over the subsequent five years.

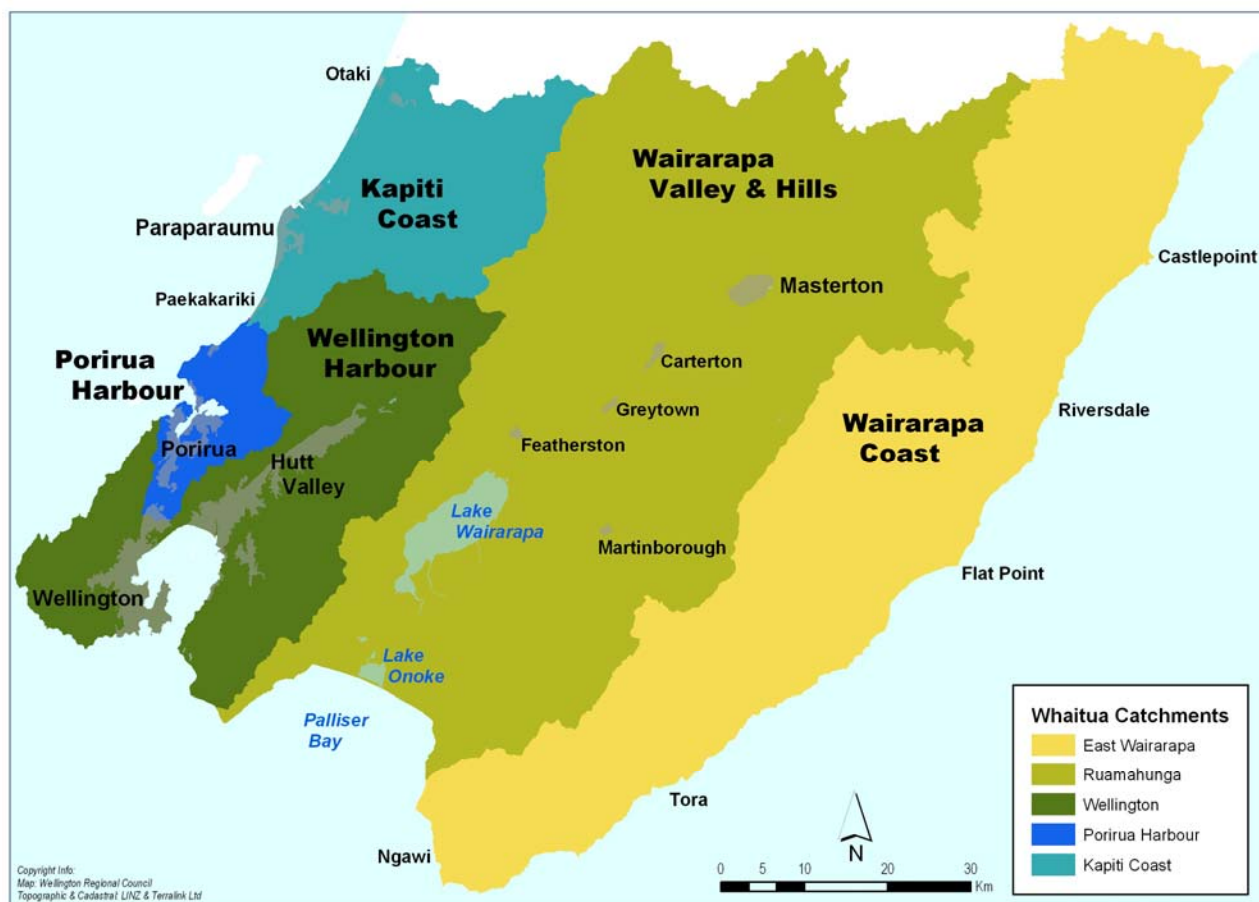
The whitua committees would develop implementation programmes that would provide regulatory and non-regulatory proposals for land and water management, including implementation of the NPS-FW. The implementation programmes would be developed within two years of each whitua committee's establishment. The implementation programmes could include:

- (a) Catchment wide objectives, policies and methods
- (b) Water quality and quantity limits and targets
- (c) Programmes or activities that will support or contribute to the achievement of objectives, limits and targets for water quality and quantity
- (d) Opportunities for the active integration of existing programmes and plans to achieve the objectives, limits and targets for water quality and quantity, and
- (e) Other matters that give effect to relevant policies in the NPS-FW

4.2 Plan changes/variation and the LTP

Once the whitua committees have completed their implementation programmes they would recommend to Council that regulatory proposals within them be incorporated into the Regional Plan through the plan change process according to the timetable set out in **Attachment 3**. The whitua committees would also recommend to Council that the non-regulatory proposals within the implementation plans be considered for inclusion in Council's Long Term Plan.

Figure 1: Five potential whitua (management areas) for the Wellington region



5. Recommendations

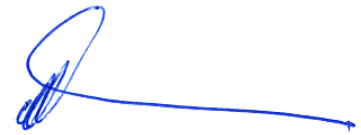
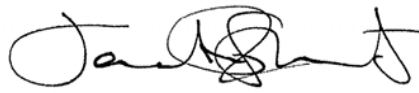
That the Council:

1. **Receives** the report,
2. **Notes** the content of the report, and
3. **Adopts** the time-limited stages in **Attachment 3** for implementation of the **National Policy Statement for Freshwater Management**

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Attachment 1: National Policy Statement for Freshwater Management

Attachment 2: RPS provisions to that effect to the NPS-FW

Attachment 3: Programme of time-limited stages for implementation of the National Policy Statement for Freshwater Management