



If calling, please ask for Democratic Services

Environment Committee

Thursday 15 October 2020, 9.30am

Council Chamber, Greater Wellington Regional Council
Level 2, 15 Walter Street, Te Aro, Wellington

Members

Cr Gaylor (Chair)

Cr Connelly (Deputy Chair)

Cr Blakeley

Cr Brash

Cr Hughes

Cr Kirk-Burnnand

Cr Laban

Cr Lamason

Cr Lee

Cr Nash

Cr Ponter

Cr Staples

Cr van Lier

Barbie Barton

Recommendations in reports are not to be construed as Council policy until adopted by Council

Environment Committee

Thursday 15 October 2020, 9.30am

Council Chamber, Greater Wellington Regional Council
Level 2, 15 Walter Street, Te Aro, Wellington

Public Business

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Please note these minutes remain unconfirmed until the Environment Committee meeting on 15 October 2020.

Report 20.331

Public minutes of the Environment Committee meeting on Thursday 10 September 2020

All members participating by Zoom at 9.30am.

Members Present

Councillor Gaylor (Chair)
Councillor Connelly (Deputy Chair)
Councillor Blakeley
Councillor Brash
Councillor Hughes
Councillor Kirk-Burnnand
Councillor Laban
Councillor Lamason (from 9.37am)
Councillor Lee
Councillor Nash
Councillor Ponter
Councillor Staples
Councillor van Lier
Barbie Barton

Members participating at this meeting by Zoom counted for the purpose of quorum, in accordance with clause 25B of Schedule 7 to the Local Government Act 2002.

Karakia timatanga

The Committee Chair invited Councillor Connelly to open the meeting with a karakia timatanga – Nau mai e ngā hua.

Public Business

1 Apologies

Moved: Cr Connelly / Cr Blakeley

That the Committee accepts the apology for lateness from Councillor Lamason.

The motion was **carried**.

2 Declarations of conflicts of interest

There were no declarations of conflict of interest.

3 Public participation

There was no public participation.

4 Confirmation of the Public minutes of the Environment Committee meeting on 6 August 2020 – Report 20.263

Moved: Cr Staples / Cr Brash

That the Committee confirms the Public minutes of the Environment Committee meeting on 6 August 2020 – Report 20.263.

The motion was **carried**.

5 Update on progress of action items from previous meetings – September 2020 – Report 20.311 [For information]

Al Cross, General Manager Environment Management, spoke to the report.

Councillor Lamason arrived at the meeting at 9.37am, during the above item.

6 Review of the Wellington Region Navigation and Safety Bylaws 2009 – Report 20.312

Al Cross, General Manager Environment Management, and Grant Nalder, Manager, Harbours, spoke to the report.

Moved: Cr Brash / Cr Gaylor

That the Committee:

- 1 Notes completion of the internal review stage of the second 10-year review of the Wellington Region Navigation and Safety Bylaws.
- 2 Determines that making a bylaw is the most appropriate way to address the proposals raised in the internal review (Attachment 1).
- 3 Considers that the Wellington Region Navigation and Safety Bylaws should be amended to address these proposals.

- 4 Agrees that, in accordance with Council's *Significance and Engagement Policy*, these proposals are of medium significance, which are considered to be of "significant interest to the public" under the Local Government Act 2002.
- 5 Notes that agreement to recommendation 4 requires Council to use the special consultative process set out in the Local Government Act 2002 when consulting on these proposals.
- 6 Adopts the draft Statement of Proposal (Attachment 2), which includes the required Summary of Information, proposed amended Wellington Region Navigation and Safety Bylaws, and information on the submissions process.
- 7 Approves the proposed timetable and process (paragraph 30).
- 8 Notes that, following receipt of submissions and if this step is warranted, officers will seek the establishment of a hearing subcommittee at the Environment Committee's February 2021 meeting.

The motion was **carried**.

7 Regional flood protection asset management report 2019/20 – Report 20.306

Wayne O'Donnell, General Manager Catchment Management, Graeme Campbell, Manager Flood Protection, and Colin Munn, Team Leader, Operations, Delivery and Planning, spoke to the report.

Moved: Cr Staples / Cr Lamason

That the Committee:

- 1 Notes that at the August Hutt Valley Flood Management Subcommittee and the June/July Wairarapa River Scheme meetings, the committees were satisfied that flood protection and erosion control infrastructure assets for those catchments have been satisfactorily assessed and that identified issues are being addressed through maintenance and improvement work programmes.
- 2 Agrees that the flood protection and erosion control infrastructure assets on 12 schemes across the Greater Wellington region have been satisfactorily assessed and that identified issues are being addressed through maintenance and improvement work programmes.

The motion was **carried**.

Noted: The Committee noted that the Otaki, Waikanae and Waiohine scheme committees are yet to confirm their satisfaction with the respective scheme conditions.

8 National resource management direction focusing on Action for Healthy Waterways and the influence of our submission – Report 20.316 [For information]

Al Cross, General Manager Environment Management and Matt Hickman, Manager, Environmental Policy, spoke to the report.

9 Floodplain management plan implementation annual report to June 2020 – Report 20.275 [For information]

Sharyn Westlake, Team Leader, Floodplain Management Plan Implementation, spoke to the report.

10 Flood Hazard Modelling Standard – Report 20.315 [For information]

Andy Brown, Team Leader, Investigations, Strategy and Planning, spoke to the report.

11 Whaitua programme briefing – Oral report

Tim Sharp, Programme Manager, Whaitua, updated the Committee on the progress of Whaitua Te Whanganui-a-Tara Committee (the Whaitua Committee) and the preliminary investigations into the Kāpiti Coast whaitua.

Mr Sharp advised the Committee that in August 2020 the Aotearoa Town Hall series (a panel discussion) hosted a discussion on pipes, whaitua and the three waters. On the panel were Hon. Nanaia Mahuta (Minister for Local Government and Māori Development) and Kara Puketapu-Dentice (Co-Chair of Whaitua Te Whanganui-a-Tara Committee).

A workshop with mana whenua partners was also held, with a discussion on sites of significance for Māori and the frameworks that could be put in place to ensure their protection.

Mr Sharp advised the Committee that Pekaira Rei, whose iwi affiliations include Taranaki Whānui, composed a bespoke waiata for the Whaitua Committee.

The Whaitua Committee is on track to have the Committee approve the Whaitua Implementation Programme in April 2021.

Noted: The Committee asked if the flyover could be published on Greater Wellington’s website.

Karakia whakamutunga

The Committee Chair invited Councillor Connelly to close the meeting with a karakia whakamutunga – Kia hora te marino.

The meeting closed at 11.44am.

Councillor P Gaylor
Chair

Date:

Environment Committee
15 October 2020
Report 20.373



For Information

UPDATE ON PROGRESS OF ACTION ITEMS FROM PREVIOUS MEETINGS – OCTOBER 2020

Te take mō te pūrongo

Purpose

1. To update the Environment Committee (the Committee) on the progress of action items arising from previous Committee meetings.

Te horopaki

Context

2. Items raised at the Committee's previous meetings, which require action by officers, are listed in [Attachment 1](#) – Action items from previous Environment Committee meetings. For all action items, the current status and a brief comment is provided on progress to date.

Ngā hua ahumoni

Financial implications

3. There are no financial implications from this report, but there may be implications arising from the actions listed.

Ngā tūāoma e whai ake nei

Next steps

4. All completed items will be removed from the action items table for the next report. Items not completed will continue to be progressed. Any new items will be added, following this Committee meeting, and circulated to the relevant business group/s for action.

Ngā āpitihanga

Attachment

Number	Title
1	Action items from previous Environment Committee meetings

Ngā kaiwaitohu
Signatories

Writer	Lucy Baker – Acting Kaiwhakahaere Matua mo te Taiao / General Manager Environment Management
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He whakarāpopoto i ngā huritaonga Summary of considerations
<i>Fit with Council's roles or with Committee's terms of reference</i> The action items are of an administrative nature and support the functioning of the Committee.
<i>Implications for Māori</i> The second action item relates to a video recording of the Whaitua Te Whanganui-a-Tara Committee catchment area,; the video is owned by Taranaki Whānui. If Taranaki Whānui consents to Greater Wellington's use of the video, then appropriate acknowledgement of ownership will need to be made.
<i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i> Action items contribute to Council's or Greater Wellington's related strategies, policies and plans to the extent identified in Attachment 1.
<i>Internal consultation</i> There was no additional internal consultation in preparing this report and updating the action items.
<i>Risks and impacts - legal / health and safety etc.</i> There are no known risks or impacts.

Attachment 1 to Report 20.373

Action items from previous Environment Committee meetings

Meeting date	Action	Status and comment
13 February 2020	<p>Regional water quality in the Wellington Region</p> <p>Resolution</p> <p>Requests officers to report to the next committee meeting on:</p>	<p>Status</p> <p>Ongoing</p> <p>Comment</p>
	<p>a Options for a water quality monitoring regime at Owhiro Stream/Bay, with the report to identify the likely sources of contamination</p>	<p>This was reported to the 9 April Council meeting.</p>
	<p>b The feasibility on effective ‘real-time’ public notification system for recreational users of Owhiro Bay and other recreational coastal areas in the Wellington Region</p>	<p>A meeting was held on 31 March 2020 between Mr Doyle, Mr Ian Reid (Chair of Owhiro Bay Residents Association), the General Manager Environment Management, the Council Chair, and Councillors Gaylor and Connelly.</p> <p>The General Manager Environment Management and the Wellington Water Chief Executive later agreed to set up a workshop with the Owhiro Bay Residents Association and Regional Public Health to respond to issues of community engagement and communication, including notification processes.</p> <p>The General Manager Environment Management met with Mr Doyle in late July 2020, and convened a meeting with Wellington Water and Greater Wellington staff in early August to scope and co-design the process and workshops ahead.</p> <p>General Manager Environment met with Mr Doyle and representatives from Wellington Water and Regional Public Health on 30 September 2020. This forms part of a series of working group meetings using Owhiro catchment</p>

Attachment 1 to Report 20.373

Action items from previous Environment Committee meetings

Meeting date	Action	Status and comment
		as a pilot to progress solutions to urban water quality issues.
10 September 2020	<p>Whaitua Programme briefing – oral report</p> <p>Noted</p> <p>The Committee asked if the flyover could be published on Greater Wellington’s website.</p>	<p>Status</p> <p>In progress.</p> <p>Comment</p> <p>Request has been made to Taranaki Whānui advisors on the Whaitua project team. In response, this idea is supported in principle noting that the flyover is a work in progress (it has only recently been developed and was presented visually and narrated for the first time on 29 August 2020) and would require production to an acceptable standard to be made publicly available (there is Whaitua budget to support this). It would also require signoff by Taranaki Whānui.</p>

Environment Committee
15 October 2020
Report 20.372



For Decision

ESTABLISHMENT OF THE TOITŪ TE WHENUA PARKS NETWORK PLAN 2020-30 HEARING SUBCOMMITTEE

Te take mō te pūrongo

Purpose

1. To establish a subcommittee to hear and deliberate on public submissions received for the draft Toitū Te Whenua Parks Network Plan 2020-30 (draft Plan).

He tūtohu

Recommendations

That Council:

1. **Establishes** the Toitū Te Whenua Parks Network Plan 2020-30 Hearing Subcommittee.
2. **Adopts** the terms of reference for the Toitū Te Whenua Parks Network Plan 2020-30 Hearing Subcommittee.
3. **Appoints** Crs ..., ..., ..., ..., and ... as members of the Toitū Te Whenua Parks Network Plan 2020-30 Hearing Subcommittee, and Cr ... as Chair.

Te tāhū kōrero

Background

2. The development of the management plan and consultation process encompassing hearings for public submissions is set out in the Reserves Act 1977.
3. Consultation on the draft Plan commenced on 18 August 2020 and concludes on 23 October 2020.
4. As of 1 October 2020, 110 submissions have been received and 10 submitters have identified that they wish to be heard. Officers are expecting to receive more submissions before consultation finishes.
5. Given the number of submissions likely to be received and to be heard, officers consider it appropriate for the Environment Committee (the Committee) to establish a subcommittee to hear and consider the submissions, and to make recommendations on any changes to the draft Plan as an outcome of the consideration of submissions. The proposed terms of reference for the Hearing Subcommittee are attached as [Attachment 1](#).

6. It is proposed that the hearing will be held in mid-November 2020 (proposed dates are 10 and 11 November 2020).
7. The Terms of Reference provide for the Hearing Subcommittee to report its recommendations directly to Council for consideration at its meeting on 10 December 2020. It is also proposed that the Council will adopt Toitū Te Whenua Parks Network Plan 2020-30 at the 10 December 2020 meeting.

Ngā tikanga whakataua
Decision-making process

8. The matter requiring decision in this report was considered by officers against the decision-making requirements of Part 6 and Clause 30 and 31 of Schedule 7 of the Local Government Act 2002.

Te hiranga
Significance

9. Officers have considered the significance (as defined by Part 6 of the Local Government Act 2002) of this matter, taking into account Council's *Significance and Engagement Policy* and Greater Wellington's *Decision-making Guidelines*. Officers recommend that this matter is of low significance due to its administrative nature.

Te whakatūtakitaki
Engagement

10. No engagement is required on this matter.

Ngā tūāoma e whai ake nei
Next steps

11. Members of the Subcommittee will be notified about the hearing date(s).
12. Copies of written submissions and a submission report will be provided to Subcommittee members at least one week prior to the hearing date.

Ngā āpitihanga
Attachment

Number	Title
1	Draft terms of reference for the Toitū Te Whenua Parks Network Plan 2020-30 Hearing Subcommittee

**Ngā kaiwaitohu
Signatories**

Writers	Fiona Colquhoun, Parks Planner
Approver	Tracy Plane, Manager Corporate and Strategic Planning Francis Ryan, Acting General Manager Strategy

<p>He whakarāpopoto i ngā huritaonga Summary of considerations</p>
<p><i>Fit with Council's roles or with Committee's terms of reference</i> Establishing subcommittees is within the scope of the committee's terms of reference.</p>
<p><i>Implications for Māori</i> There are no implications for Māori associated with the establishment of the subcommittee.</p>
<p><i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i> Not applicable.</p>
<p><i>Internal consultation</i> Officers in Democratic Services were consulted about this report and proposed process.</p>
<p><i>Risks and impacts - legal / health and safety etc.</i> There are no risks associated with establishing the subcommittee.</p>

Attachment 1 to Report 20.372

Draft terms of reference for the Toitū Te Whenua Parks Network Plan 2020-30 Hearing Subcommittee

Draft Toitū Te Whenua Parks Network Plan 2020-30 Hearing Subcommittee

(A subcommittee of the Environment Committee)

1 Purpose

To hear and consider submissions made on the Draft Toitū Te Whenua Parks Network Plan 2020-30, and recommend to Council any amendments.

2 Powers

The Draft Toitū Te Whenua Parks Network Plan 2020-30 Hearing Subcommittee has the power to:

- Consider both the written and oral submissions, and any other consultation material on the Draft Toitū Te Whenua Parks Network Plan 2020-30.
- Seek clarification from Council officers on any technical matters.
- Develop recommendations on amendments, if any, to the Draft Toitū Te Whenua Parks Network Plan 2020-30 for consideration by Council.

3 Responsibilities

The Draft Toitū Te Whenua Parks Network Plan 2020-30 Hearing Subcommittee shall ensure that:

- The hearing and consideration process is carried out in a way that is effective and timely;
- Submitters are provided with the best possible opportunity to be heard in support of their submission;
- Hearing Subcommittee members receive submissions with an open mind and give due consideration to each submission;
- The decision making process is robust and transparent.

4 Members

The members of the Toitū Te Whenua Parks Network Plan 2020-30 Hearing Subcommittee are:

- ...
- ...
- ...
- ...

5 Chair

The Chair is ...

6 Quorum

Half of the members of the Toitū Te Whenua Parks Network Plan 2020-30 Hearing Subcommittee

7 Meeting procedures

- All members have equal speaking rights and a deliberative vote.
- The Chair has a deliberative vote and, in the case of an equality of votes, has a casting vote.
- Members must be present for the substantial part of the hearing and deliberations in order to participate in the decision-making of the Hearing Subcommittee.
- Submitters may speak to their submission by remote participation.

8 Duration of Subcommittee

The Subcommittee is deemed to be dissolved at the end of the decision-making on the Toitū Te Whenua Parks Network Plan 2020-30.

DRAFT

Environment Committee
15 October 2020
Report 20.365



For Information

IMPLICATIONS OF FRESHWATER REFORM FOR GREATER WELLINGTON

Te take mō te pūrongo

Purpose

1. To advise the Environment Committee (the Committee) of:
 - a Further detail on the impact of the new rules and regulations of the Essential Freshwater Package (the Freshwater Package) on the functions and work programmes of the Environment Management and Catchment Management Groups of Greater Wellington Regional Council (Greater Wellington).
 - b The impacts on our rural communities in the short term and what support may be needed.
 - c The determination that the current resourcing levels will not be enough to implement the Freshwater Package.

Te tāhū kōrero

Background

2. This report provides more detail about implementing national direction raised in the September 2020 Environment Committee Report entitled 'National resource management direction focusing on action for healthy waterways and the influence of our submission' (Report 20.316). In the September 2020 report we highlighted the successes of our submission on the Freshwater Package and started to describe the challenge of implementing the full suite of recent and upcoming national direction.
3. In this report, we outline what implementing the Freshwater Package will require for Greater Wellington's departments in the Environment Management and Catchment Management Groups over the short to medium term. Effectively delivering the outcomes sought by the Freshwater Package requires coordinated and strategic understanding, planning and delivery across multiple Greater Wellington departments.
4. The report Changes to the phasing and timing of whitua processes and changes to the PNRP to give effect to the NPS-FM (Report 20.364) provides detail about the implications for changes to the Proposed Natural Resources Plan (PNRP) and whitua process.

**Te tātaritanga
Analysis**

Essential Freshwater requirements for regional councils

5. Regional councils must give effect to all parts of the Freshwater Package including by:
 - a Amending regional policy statements and regional plans to give effect to the Essential Freshwater Package by 31 December 2024.
 - b Developing a plan for maintaining or improving the state of freshwater in a region by including a number of compulsory values and attributes that must be met. Communities can choose to go above and beyond these.
 - c Using the new freshwater planning process provided for in the Resource Management Act 1991 for all freshwater planning instruments.
 - d Requiring resource consents for most types of agricultural intensification, intensive winter grazing activities, feedlots and stock holding areas that do not meet specified thresholds.
 - e Requiring dairy farmers to report their annual nitrogen usage on farm and requiring consents for the use of more than 190kg per hectare per year.
 - f Requiring stock exclusion for certain types of stock from within natural wetlands, or within three metres of any lake or river (greater than 1m wide) on certain classes of slope.
 - g Requiring resource consents for certain in-stream structures that impede fish passage and for certain activities in and near natural wetlands.
 - h Requiring all consent holders who take water (greater than 5 litres per second) to record use every 15 minutes and provide data to council.

Immediate and short-term implementation requirements

6. Some of the National Environmental Standards for Freshwater Management regulations came into force on 3 September 2020, which means immediate operational changes are required. Further changes are in phases as well – meaning ongoing change over a period of time. The tables below show the additional requirements for each relevant department of Environment Management and Catchment Management and the timeframe in which they must be achieved.

Environment Management

Department	Impact and needs	Timeframe
Environmental Regulation	<ul style="list-style-type: none"> • Review consent templates and produce new consent application forms for land-use changes (agricultural intensification), activities in rivers and wetlands. • Gather information on current milking platforms, irrigated areas and winter grazing blocks from farmers. • Develop data storage capacity for reported 	Immediate

Department	Impact and needs	Timeframe
	fertiliser use dairy farmers provide to Greater Wellington. <ul style="list-style-type: none"> • Resource additional compliance and enforcement staff. 	
Environmental Science	<ul style="list-style-type: none"> • Review all freshwater monitoring programmes to ensure they address the requirements of the Freshwater Package. • Develop increased data storage capacity for monitoring information including for fish passage. • Include more monitoring resource (both people and tools such as Geographic Information Systems, satellite imagery and analysis) to service the expanded monitoring requirements for the National Objectives Framework, and to map wetlands and fish barriers. • Further develop kaitiaki monitoring programmes. • Provide science advice internally (demand will increase). 	From now – over the next few years
Environmental Policy	<ul style="list-style-type: none"> • Interpret and advise other departments of requirements of the Freshwater Package. • Assess the Freshwater Package and its implications for the Regional Policy Statement (RPS), PNRP and future plan changes. • Plan and prepare for plan changes to the PNRP and full RPS review to give effect to the Freshwater Package to be notified by 31 December 2024. These changes will also need to be progressed using the new freshwater planning process. • Re-align timing of the Whaitua Implementation Programme to deliver on required dates. 	Immediate
Parks	<ul style="list-style-type: none"> • As a landowner, lead by example and at least meet all the requirements of the Freshwater Package such as stock exclusion activities relating to wetlands. • Change standard operating practices where required. 	Immediate

Table 1. Additional requirements of Environment Management departments

Catchment Management

Department	Impact	Timeframe
Land Management	<ul style="list-style-type: none"> • Upskill staff to provide confidence and enable them to accurately respond to questions from the rural community. • Respond to an increase in questions from communities needing advice and support. • Respond to an increased level of applications for funding support through the riparian or Wellington Regional Erosion Control Initiative funds for stock exclusion (fencing, planting and pest control). • Review farm planning approach and become involved in the development and design of new freshwater farm plans at a national level. 	Immediate and over coming years
Flood Protection	<ul style="list-style-type: none"> • As a landowner and consent holder, lead by example and meet all the requirement of the Freshwater Package. • Change operational activities in relation to new structures in rivers and requirements around fish passage and habitat protection. • Change standard operating practices where required. 	Immediate
Biodiversity	<ul style="list-style-type: none"> • Respond to an increase in applications for funding support through the wetland fund for stock exclusion (fencing, planting and pest control). • Respond to an increase in internal demand for biodiversity advice around impacts on wetlands and biodiversity mitigation. • Change standard operating practices where required.e.g. weed management in wetlands. 	Immediate and over coming years
Biosecurity	<ul style="list-style-type: none"> • Change existing work programmes associated with wetland vegetation clearance (weed control) and meet any new requirements in the Freshwater Package for resource consents. 	Immediate

Table 2. Additional requirements of Catchment Management departments

Immediate impacts on the farming community

7. The Freshwater Package mostly directly affects rural communities. From 3 September 2020, farmers now need to seek resource consent for:
 - a Most types of agricultural intensification (such as conversion from any form of farming to dairy farming greater than 10ha or more than 10ha increases in irrigated dairy land).
 - b New culverts and weirs that do not comply with permitted activity standards for fish passage and all new passive flap gates.
 - c All reclamation of rivers.
 - d Vegetation clearance and earthworks as part of arable and horticultural activities in and around natural wetlands if permitted conditions cannot be met.
 - e Vegetation clearance, earthworks, drainage or taking, using, damming, diverting and discharging water in and around natural wetlands, if not permitted.
8. Earthworks, or taking, using, damming, diverting and discharging water, within a natural wetland that result in the complete or partial drainage of the natural wetland are prohibited.
9. It is important that advice and information is available as rural landowners attempt to understand the impacts of the new rules and regulations on their farming activities and take action. One option is the use of community hall meetings where communities can learn about the requirements and where to go for advice and financial support. It will be important to involve rural industry leaders in the design and delivery of these meetings so messaging is consistent and confusion minimised. Advice from the Farming Reference Group will be sought to further progress ideas and delivery of support for the rural community, as we progress Whaitua plan changes and move to farming within environmental limits operating at a catchment scale.
10. Even though timeframes vary for meeting the stock exclusion requirements (from 3 September 2020 through to 2025), many farm businesses will need to take action now to spread the costs over more than one year.

Implementing Te Mana o te Wai and mana whenua leadership

11. Te Mana o te Wai (TMOTW) is a fundamental concept in the National Policy Statement for Freshwater Management 2020 (NPSFM). It requires that the health and well-being of water is protected first, followed by providing for human health needs before enabling other uses of water.
12. Regional councils must give effect to TMOTW when making or changing regional policy statements and plans with any changes notified by 31 December 2024. Organisationally, this is the priority, which means completing whaitua plan changes to the PNRP and changes to the RPS to give effect to TMOTW by this date. Any plan or RPS changes to implement the NPSFM after 2024 will be unlawful.
13. Greater Wellington must action the five key requirements of TMOTW, these are:

- a Actively involve tangata whenua in freshwater management
 - b Enable the application of a diversity of systems of values and knowledge such as mātauranga Māori, to the health and well-being of water bodies and freshwater ecosystems
 - c Apply the hierarchy of obligations (when implementing the NPSFM)
 - d Engage with communities and tangata whenua to identify long-term visions, environmental outcomes and other elements of the National Objectives Framework
 - e Adopt an integrated approach, ki uta ki tai, to the management of freshwater.
14. Giving effect to TMOTW in all of Greater Wellington's planning and operational work could be the most significant change to how we manage water in a generation. Fortunately, Greater Wellington has the benefit of the PNRP developed in partnership with mana whenua through the Te Upoko Taiao Natural Resource Plan Committee. The PNRP anticipated TMOTW and is informed by mātauranga Māori (Māori knowledge) in both form and content including shared objectives (e.g. ecosystem health and mahinga kai, and for contact recreation and Māori customary use). The PNRP also specifies the protection of mana whenua values relating to water in Schedule C of the PNRP.
15. The mātauranga Māori partnership approach to the development of the PNRP has flowed through into the completed Whaitua Implementation Programmes (WIPs) which identify mana whenua values, objectives and methods for Implementation and make recommendations on how this can be achieved. Implementation of these WIP recommendations will be the gateway to achieve TMOTW at a local catchment (Freshwater Management Unit / Water Management Unit) level.

Supporting mana whenua

16. Mana whenua leadership and participation is a prerequisite for freshwater management. This is emphasised in the six principles of TMOTW, the first three of which (mana whakahaere, kaitiakitanga and manaakitanga) require a mana whenua decision making role in all freshwater management. Delivering on locally determined outcomes described in the PNRP and subsequent WIP plan changes, will heavily rely on significant mana whenua capacity resource. This was also highlighted in a recommendation in the Ruamāhanga WIP which seeks that sufficient funding and dedicated resourcing is made available to ensure effective mana whenua participation. Without significant resourcing to fund mana whenua capacity, Greater Wellington will not be able to give effect to both national and regional resource management direction. Work is underway to determine how Greater Wellington can fund mana whenua capacity in a different way.

National implementation support

17. A National Implementation Plan (Freshwater Implementation Programme) is being developed to enable collaboration and coordination between councils across New

Zealand to implement the regulatory aspects of the Freshwater Package. The Regional Sector has expressed a strong desire to work more collectively, to share resources and avoid reinventing the wheel. Material, resources and guidance will be provided as part of this support to enable effective and consistent implementation across the regions. Each regional and unitary council has established a single point of contact for communication between the Regional Sector group and each council. Issues with and questions about the Freshwater Package are fed through this group back to the Ministry for the Environment.

Greater Wellington-wide needs

Staff and councillor upskilling and systems improvement

18. Education on the Freshwater Package will be essential in order to give staff the confidence to respond to, and support those in the community grappling with these new rules and regulations and how they impact on their businesses. This has already begun with some cross-department focus groups established to learn and understand together the new rules and regulations and how they work alongside the PNRP. Further staff upskilling will need to be part of a strategic implementation approach.
19. Similar upskilling is required with councillors to assist navigating the new requirements and explain any changes in timing to their communities. This will also be invaluable for ongoing discussions about the resources required to meet the new requirements, a discussion that will be part of the long-term plan process.
20. Across Greater Wellington we also need to address our own capabilities in relation to working with mana whenua and mātauranga Māori. This upskilling and understanding will need to occur at every level of the organisation and will be critical in developing genuine and effective partnerships with mana whenua in the delivery of sought outcomes for freshwater as well as other programmes of work more generally.
21. We will also need to improve our systems to ensure we know who is talking to who and what advice has been provided. Some form of stakeholder relationship database will be essential to coordinate actions within catchments. In addition, new financial systems will assist with moving funds around to areas of greatest need and priority. A catchment lens will assist the whole organisation prioritise better.

Communications support

22. Implementation of the Freshwater Package requires both internal and external strategic communications support to empower both Greater Wellington staff and communities as we all work towards better freshwater outcomes, and also assist understanding in our own resource management instruments including the PNRP and WIPs. Support is already being received by our Greater Wellington Customer Engagement group to enable this. Internally, we need to better communicate across departments as we develop implementation programmes to avoid reinventing the wheel and to find efficiencies. We also need to ensure that Greater Wellington staff are providing consistent advice and messaging outside of our organisation to support farmers and the wider community.

Ngā hua ahumoni

Financial implications

23. Fully implementing the Freshwater Package with current resourcing and current structures is unlikely and will require additional resourcing of many parts of Greater Wellington. This initial picture is set out in Tables 1 and 2 above. Initial estimates are of the order of a minimum of \$20 million over the next Long Term Plan period.

Ngā tūāoma e whai ake nei

Next steps

24. Delivery of outcomes for freshwater sought by the Freshwater Package will need everyone to play a role and will require a significant change to how we will all manage freshwater going forward. For Greater Wellington, it will be essential that we continue to support each other, seek efficiency in opportunities to work across departments and continually improve our communication both between ourselves and in educating and supporting farmers, resource users and wider community. Any resourcing shortages will need to be addressed through the Long Term Plan.
25. This Freshwater Package is part of a suite of national direction and other resource management reform in freshwater management. This includes the Three Waters Review which aims to improve, and provide security of, delivery of drinking water, wastewater and stormwater services to communities and has led to the development of the Taumata Arowai Bill (a new water services regulator) to oversee all aspects of water service management.
26. Wider RMA reform will also most likely impact on freshwater management and lead to other changes to the role of regional councils and their responsibilities. The Committee will be kept informed of any new developments at regular intervals.

Ngā kaiwaitohu

Signatories

Writer	Caroline Watson – Policy Advisor, Environment Management
Approvers	Matt Hickman, Manager, Environmental Policy Lucy Baker, Acting General Manager, Environment Management Group

He whakarāpopoto i ngā huritaonga Summary of considerations
<i>Fit with Council's roles or with Committee's terms of reference</i> This report enables the Committee to consider changes in the legislative frameworks and their implications for Council's plans, policies and initiatives as well as regulatory systems, processes and tools.
<i>Implications for Māori</i> Mana whenua have a key role in determining our priorities for freshwater and other national direction going forward.
<i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i> Long Term Plan bids will be required to ensure effective implementation of national and regional direction for resource management.
<i>Internal consultation</i> Officers from Catchment Management and Environmental Management were consulted for this report.
<i>Risks and impacts - legal / health and safety etc.</i> There may be reputational risks in terms of not delivering outcomes or meeting expectations from our community.

Environment Committee
15 October 2020
Report 20.364



For Information

CHANGES TO THE PHASING AND TIMING OF WHAITUA PROCESSES AND CHANGES TO THE PROPOSED NATURAL RESOURCES PLAN TO GIVE EFFECT TO THE NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT

Te take mō te pūrongo

Purpose

1. To advise the Environment Committee (the Committee) on changes to the phasing and timing of:
 - a The Kāpiti Coast and Wairarapa Coast Whaitua processes; and
 - b Changes to the Proposed Natural Resources Plan (PNRP).to give effect to the National Policy Statement for Freshwater Management 2020.

Te tāhū kōrero/Te horopaki

Background/Context

2. The Proposed Natural Resources Plan (PNRP) was developed in accordance with the Resource Management Act 1991 (RMA), and notified in July 2015. The full submissions and hearing process was completed in accordance with Schedule 1 of the RMA and Decisions were notified on 31 July 2019. Parts of the Decisions have been appealed to the Environment Court. Currently parties to the appeals are in mediation with the intention to narrow and, or reduce the scope and number of appeals to be heard in Environment Court Hearings in 2021.
3. The purpose of the PNRP is to identify outcomes for the management of natural and physical resources and put in place policies and methods (including rules) to achieve the purpose of the RMA. The PNRP is a combined Regional and Coastal Plan and once operative will replace the five existing Regional Plans (Regional Coastal Plan, Regional Air Quality Management Plan, Regional Freshwater Plan, Regional Plan for Discharges to Land and Regional Soil Plan). The PNRP must give effect to higher order planning documents such as National Policy Statements and incorporate (not duplicate) National Environmental Standards and other Regulations promulgated under the RMA.
4. The whaitua process is a community-led, collaborative planning process to address a number of land and water management issues and carry out the Wellington Regional Council's obligations under the National Policy Statement for Freshwater Management (NPS-FM). The whaitua programme aims to improve the integration of activities and achieve better resource management practices that reflect local

aspirations. The intention is that regulatory elements of the Whaitua Implementation Programmes (WIPs) will be incorporated into the PNRP by way of plan changes or variations.

5. To date Council has determined to give effect to the NPS-FM by the staged implementation process previously set out in the NPS-FM 2014 & 2017 ([Attachment 1](#) - 2019 Staged implementation programme).
6. As was required under previous iterations of the NPS-FM, the programme of time-limited stages for implementation was reviewed and approved annually by Council and was last approved in June 2019, (Update on the implementation programme for the National Policy Statement for Freshwater Management, (Report 19.254)). This showed the first plan change was due to be notified this year for the Ruamāhanga and Te Awarua-o-Porirua WIPs. Four plan changes were intended between 2020 and 2024, with both Kāpiti and Wairarapa Coast WIPs due for completion in 2023 (with considerable overlap in whaitua committee processes).
7. The programme of time-limited stages for implementation of the NPS-FM is no longer provided for under the NPS. Instead the NPS-FM must be given effect 'as soon as reasonably practicable' and by 31 December 2024.
8. Initial progress was made on the first plan change associated with the Ruamāhanga WIP between August 2018 when the WIP was completed (which timed well with the completion of the hearings on the PNRP) and September 2019 when appeals closed and the current phase of the Schedule 1 process began. No progress has been made on the plan change since the appeals process began as the resources of the team have been 100 percent focused on that process.

Te tātaritanga Analysis

9. Since the whaitua programme was established in 2013, resource management priorities have changed, and we have urgent resource management issues which need addressing via a plan change ahead of 2024.
10. The key challenges and opportunities are:
 - a Urban water quality is a priority issue for the region, and requires improvements in regulation; in the first instance through a regional plan change to enable regulation of urban development (compared with rural land use and water quality outcomes which can be improved through non-regulatory methods such as our Land Management work programmes).
 - b Wellington Water Limited (covering Wellington City, Hutt City, Upper Hutt City and Porirua City) and Kāpiti Coast District Council have first stage stormwater consents which expire in 2023. A plan change is required ahead of second stage consent applications being lodged - to ensure these applications are considered within an NPS-FM objectives and limits framework.
 - c Central Government's Essential Freshwater Package introduced new Regulations and National Environmental Standards (NES) to manage high risk rural activities; such as intensive winter grazing, land use intensification and break feeding. These supersede the respective recommendations in the WIPs; only where the

WIP recommendation (or existing PNRP provisions) are more stringent can these prevail over the NES/Regulations. Furthermore, the PNRP cannot duplicate the NES or Regulations and any duplication must be removed from the plan.

- d Many of the Ruamāhanga and Te Awarua-o-Porirua WIP recommendations for rural areas are non-regulatory i.e. these actions can occur through prioritising these in Council's work programmes, they don't need a plan change to be able to implement them.
 - e We have the opportunity to consider some of these matters through the current appeals process. Where there is scope in appeals consideration can be given to incorporating relevant elements/recommendation of the WIPs and/or the new national direction (NES and Regulations).
11. The intent is to notify a '3 waters' plan change in 2022 which:
- a Implements the regulatory elements of WIPs for Ruamāhanga, Te Awarua-o-Porirua and Te Whanganui-a-Tara urban areas (stormwater, wastewater, stream reclamation, water allocation) – to manage urban development,
 - b Incorporates bottom lines/current state for everywhere else as an interim measure until 2024; noting for Kāpiti Coast that limits are required for the second stage stormwater consent process – which is ahead of the programmes WIP completion date.
12. A second plan change would then be notified by 31 December 2024 to incorporate the remainder of the regulatory recommendations from the WIPs (noting recent national direction) and for Kāpiti and Wairarapa Coast. Ideally this would follow decisions on the first plan change; otherwise this would be a variation – which is not unusual, but is more complex for plan users.
13. As this second plan change will need to be informed by the Kāpiti and Wairarapa Coast WIPs, these two whaitua processes will need to be run concurrently to ensure they are completed in 2023 to allow sufficient time to prepare the second plan change.
- a Establishment of the Kāpiti Coast Whaitua (originally intended for November 2020) will occur in mid-2021 (after completion of Whaitua Te Whanganui-a-Tara).
 - b Establishment of Wairarapa Coast in 2021 as scheduled in the previous staged implementation programme ([Attachment 1](#)).
14. Under existing resourcing (prior to any outcomes from the Long Term Plan (LTP) process), a different whaitua design will be required to run these two whaitua concurrently (as running two at once effectively means resources will be half that originally budgeted and previously used to run successful whaitua processes). Officers are exploring options to ensure these whaitua are completed to meet the 31 December 2024 plan change deadline.
15. There are risks associated with this approach, however, prioritising the higher risk resource management issues (urban water quality) is essential:
- a There is a risk of not being able to resource all of this (completion of appeals, 2022 plan change, remaining two whaitua and second plan change), to meet the 31 December 2024 deadline

- b Reputational risk with respect to the Ruamāhanga whaitua; after this community spending five years developing the WIP there is a reputational risk with not packaging up all recommendations in the first plan change
 - c There are risks to the appeals process with respect to not incorporating additional provisions for the rural environment in the first plan change (in particular a nutrient allocation framework which is sought by a number of key appellants). However, government officials are continuing work in this area expected sometime in 2021/22
 - d As discussed in the Implications of freshwater reform for Greater Wellington (Report 20.365) report, the Whaitua and plan change processes are only two elements of a broader range of activities to implement the Essential Freshwater package
 - e Phasing and timing considerations must also include other national directions, which Council is required to implement (not just through changes to the PNRP) including:
 - i NPS-Urban Development
 - ii Wider Council implementation (beyond plan changes) of the new NES and Regulations
 - iii National Planning Standards and ePlan (online interactive plan documents)
 - iv A full review of the Regional Policy Statement.
16. The only other realistic alternative option is to notify only one plan change between now and 2024. This would be easier to resource but will miss a fundamental resource management issue with respect to urban development and urban water quality and will not provide the necessary framework for the second stage stormwater consents. It is therefore considered too high risk.
17. In summary the current approach is to;
- a Notify two plan changes; one in 2022 and the other in 2024 at which time the PNRP will give full effect to the NPS-FM 2020; and
 - b Review the design of the whaitua processes for Kāpiti Coast and Wairarapa Coast Whaitua to ensure programmes which are fit for each community and deliver a WIP within a timeframe to enable the respective plan changes.
18. The progress of this approach is very much dependant on the outcome of the LTP process.

Ngā hua ahumoni
Financial implications

- 19. New resourcing will be required to meet national direction. An LTP bid is being prepared seeking up to an additional \$2 million per annum for the duration of the whaitua and plan change process.
- 20. Immediate additional resourcing of \$250 thousand (for external contractors) has already been approved to progress Plan Change 1.

Ngā tūāoma e whai ake nei
Next steps

- 21. The scope of contracts need to be confirmed for the additional external resource and Request for Proposal process initiated.
- 22. The appeals process will continue.

Ngā āpitihanga
Attachment

Number	Title
1	2019 Staged implementation programme

Ngā kaiwaitohu
Signatories

Writer	Miranda Cross, Team Leader, Environmental Policy
Approvers	Matt Hickman, Manager, Environmental Policy Lucy Baker, Acting General Manager, Environment Management

He whakarāpopoto i ngā huritaonga Summary of considerations
<i>Fit with Council's roles or with Committee's terms of reference</i> The Environment Committee has responsibility to consider changes in the legislative frameworks and the implications these changes have on Council's environmental strategies, policies, plans, programmes and initiatives.
<i>Implications for Māori</i> The NPS-FM requires that freshwater is managed in a way that 'gives effect' to Te Mana o te Wai, fundamentally through involving tangata whenua in all element of that management.
<i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i> Implementation of the NPS-FM is a core resource management activity of the current LTP. An additional bid is sought in order to meet Council's statutory obligations under the RMA.
<i>Internal consultation</i> This report and the direction in it was ratified by the Proposed Natural Resources Plan Steering Group – responsible for overseeing and delivering on the plan change project.
<i>Risks and impacts - legal / health and safety etc.</i> There are legal risks if Council does not meet its statutory obligations by 31 December 2024. There is reputational risk associated with the timing and phasing of the remaining whaitua processes, and associated plan changes.

Attachment 1 to Report 20.364

2019 Staged implementation programme

Programme of time-limited stages for implementation of the National Policy Statement for Freshwater Management 2014 (amended 2017) (NPS-FM) and progress to April 2019

Pursuant to Policy E1 of the National Policy Statement for Freshwater Management 2014 (amended 2017), the Wellington Regional Council gives public notice of the following staged Programme for implementation and the progress to April 2019.

Year	Planning and engagement	Collaborative process for developing catchment specific management approaches	Implementation progress to April 2019
2013	Release a Working Document for Discussion for comment and discussion.	Identify five whaitua for the region.	<p>A Working Document for Discussion was publicly released in August 2013.</p> <p>The five whaitua for the Region were identified in June 2013. The purpose, role, membership, and timing of whaitua committees were also reported to the Council at the same time.</p> <p>Members of the Whaitua Committee were appointed in December 2013.</p>
2014	Release a draft Natural Resources Plan for comment and discussion.	Establish the process for collaboration with communities in Ruamāhanga Whaitua and Te Awarua-o-Porirua Whaitua in the region.	<p>Following consultation with stakeholders on a Working Document for Discussion, a draft Natural Resources Plan for the Wellington Region was released in September 2014.</p> <p>The Ruamāhanga Whaitua Committee held its first meeting in February 2014.</p> <p>The process for establishing the Te Awarua-o-Porirua Whaitua Committee was reported to the Council in</p>

Year	Planning and engagement	Collaborative process for developing catchment specific management approaches	Implementation progress to April 2019
			July 2014. Members of the Committee were appointed in December 2014.
2015	Notify Proposed Natural Resources Plan for the Wellington Region.		<p>The Proposed Natural Resources Plan for the Wellington Region was publicly notified on 31 July 2015.</p> <p>The Te Awarua-o-Porirua Whaitua Committee first met in February 2015.</p>
2018	<p>Provide draft swimming targets to the public by 31 March.</p> <p>Finalise regional swimming targets to the public by 31 December</p>	<p>Whaitua Implementation Programme (WIP) completed for Ruamāhanga Whaitua</p> <p>Establish whaitua committee and start collaboration with communities in Wellington Harbour /Hutt Valley Whaitua</p> <p>WIP completed for Te Awarua-o-Porirua Whaitua.</p>	<p>Draft swimming targets report was available on website 31 March and the final report was made public on 31 December 2018.</p> <p>The Ruamāhanga Whaitua Implementation Programme was released and accepted by the Council on 16 August 2018.</p> <p>Te Awarua-o-Porirua Whaitua Committee work to finalise recommendations and draft the Whaitua Implementation Programme.</p> <p>Te Whanganui-a-tara Whaitua Committee was established in November 2018.</p>
2019	Work towards notifying a regional plan change	Te Whanganui-a-tara Whaitua working	The final Te Awarua-o-Porirua Whaitua

Year	Planning and engagement	Collaborative process for developing catchment specific management approaches	Implementation progress to April 2019
	<p>in response to the Ruamāhanga Whaitua and Te Awarua-o-Porirua WIPs.</p>	<p>towards a WIP. Development of a Waikanae ki uta ki tai catchment management programme.</p>	<p>Implementation Programme was released and accepted by the Council on 10 April. Te Whanganui-a-tara Whaitua Committee first met in February 2019 and is working towards a WIP.</p>
2020	<p>Notify Regional Plan changes in response to completed WIPs and to identify scheduled rivers and lakes and primary contact sites (as per Policy A5) for Ruamāhanga Whaitua and Te Awarua-o-Porirua Whaitua.</p> <p>Long Term Plan (LTP) provides funding for implementation of non-regulatory methods in response to the WIPs completed Ruamāhanga Whaitua and Te Awarua-o-Porirua Whaitua.</p>	<p>Te Wanganui-a-Tara Whaitua finalising recommendations and starting to draft the WIP.</p> <p>Establish process for collaboration with communities in Kāpiti Whaitua.</p>	Not applicable
2021	<p>Notify Regional Plan change in response to WIP completed for Te Whanganui-a-Tara</p>	<p>WIP completed for Te Whanganui-a-Tara Whaitua in early 2021.</p>	Not applicable

Year	Planning and engagement	Collaborative process for developing catchment specific management approaches	Implementation progress to April 2019
	<p>Whaitua.</p> <p>LTP provides funding for implementation of non-regulatory methods in response to WIP completed for Te Whanganui-a-Tara Whaitua.</p>	<p>Kāpiti Whaitua working towards a WIP.</p> <p>Establish a process for Wairarapa Coast Whaitua.</p>	
2022		<p>Kāpiti and Wairarapa Coast Whaitua working towards a WIP.</p>	Not applicable
2023	<p>Notify Regional Plan change in response to WIP completed for Kāpiti Whaitua.</p> <p>LTP provides funding for implementation of non-regulatory methods in response to WIP completed for Kāpiti Whaitua.</p>	<p>WIP complete for Kāpiti Whaitua.</p> <p>WIP completed for Wairarapa Coast Whaitua.</p>	Not applicable
2024	<p>Notify Regional Plan change in response to WIP completed for Wairarapa Coast Whaitua.</p> <p>LTP provides funding for implementation of non-regulatory methods in response to WIP completed for Wairarapa Coast Whaitua.</p>		Not applicable