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To: **LAND TAG**

Meeting Date: **26 MAY 2016**

Written by: **IAN MORTON**

Subject: **FRESHWATERS FUTURES**

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## **1.0 REASON FOR THE REPORT**

The purpose of this report is to brief the Land TAG forum with our approach to satisfying our NPS FM 2014 requirements, and to seek feedback on areas that the Land TAG could support BOPRC in delivering against these requirements.

## **2.0 BACKGROUND**

BOPRC is required to implement the National Policy Statement for Freshwater Management by delivering freshwater objectives, limits and methods for freshwater quality and quantity in their Regional Plan.

### **2.1 COUNCILS ADOPTED APPROACH**

Council agreed to a two-step approach to implementing the NPS-FM at their October 2012 Strategy, Policy & Planning Committee meeting.

#### **Step 1 – Region-wide Water Quantity Plan Change**

There is no clear, consistent limits for water quantity (especially for groundwater) within the operative Regional Water and Land Plan, there is increasing water demand, limited knowledge of actual use, high levels of allocated water, and some industries and individuals taking water without authorisation.

To address these immediate challenges a region wide water quantity plan change has been drafted to strengthen existing regional limits, resolve several existing water allocation issues, improve efficiency and collect more robust data. The draft plan change process has not implemented the National Objectives Framework process as set out in the NPSFM.

A draft plan change has been developed, community engagement undertaken, and a Council workshop held to provide direction on key topics. The workshop and associated papers provide further details.

#### **Step 2 – Water Management Areas**

Step 2 involves full delivery of NPS-FM requirements across nine water management areas (WMAs). See Section 2.3

Council will be working with local communities and tāngata whenua in each of the WMA's to identify values, and deliver objectives, limits and methods for both water quality and quantity. The two priority areas started are Rangitāiki and Kaituna-Pongakawa-Waitahanui WMAs..

## **2.2 KEY DECISIONS TO DATE**

The BOPRC Freshwater Futures programme has been in place since 2012. In addition to key decisions already outlined above (i.e., relating to two stage approach, water management areas, and time limited stages), other key decisions include:

- Agreement to split the region into nine Water Management Areas (WMAs)
- Agreement to commence the Freshwater Futures Process in Kaituna and Rangitāiki WMA's. The assessment for choosing these first WMA's included an assessment of potential land use change, existing data available and the status of treaty settlements
- Involving the community, iwi and hapū
- Confirming community group membership, including one Councillor
- Taking a maintaining water quality approach where it is good.
- Endorsing value setting and FMU setting principles.

## **2.3 NPS IMPLEMENTATION APPROACH TO 2025**

Council agreed to implement the NPS-FM in a phased approach across nine WMAs.

This was first presented to the Regional Direction and Delivery Committee on 12 May 2015 and approved by RDD in December 2015 for public notification as required by the NPSFM (see Table below).

NPS Implementation Plan (as agreed in 14 Dec 15 RDD Paper "NPSFM Implementation Programme")											
WMA	14/15	15/16	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25
Kaituna/Pongakawa											
Rangitaiki											
Tarawera											
Tauranga											
Rotorua Lakes											
Ōhiwa and Waiohau											
Whakatane and Tauranga											
Waioeka and Otara											
East Coast											

The order of the Water Management Areas shown is indicative and Council will need to confirm these.. Given the changing national legislative and policy environment, regular project review points will enable potential amendment over time. Next WMA's will also be assessed against set criteria, including current issues.

## 2.4 WATER MANAGEMENT AREAS – FRESHWATER FUTURES PROJECT

Agreement to commence limit-setting in Kaituna and Rangitāiki WMA's was approved by RDD, 20 February 2014. The assessment for choosing these first WMA's to progress the Freshwater Futures Process included an assessment of potential land use change, existing data available and the status of treaty settlements.

The Freshwater Futures Process has been split into 4 phases:

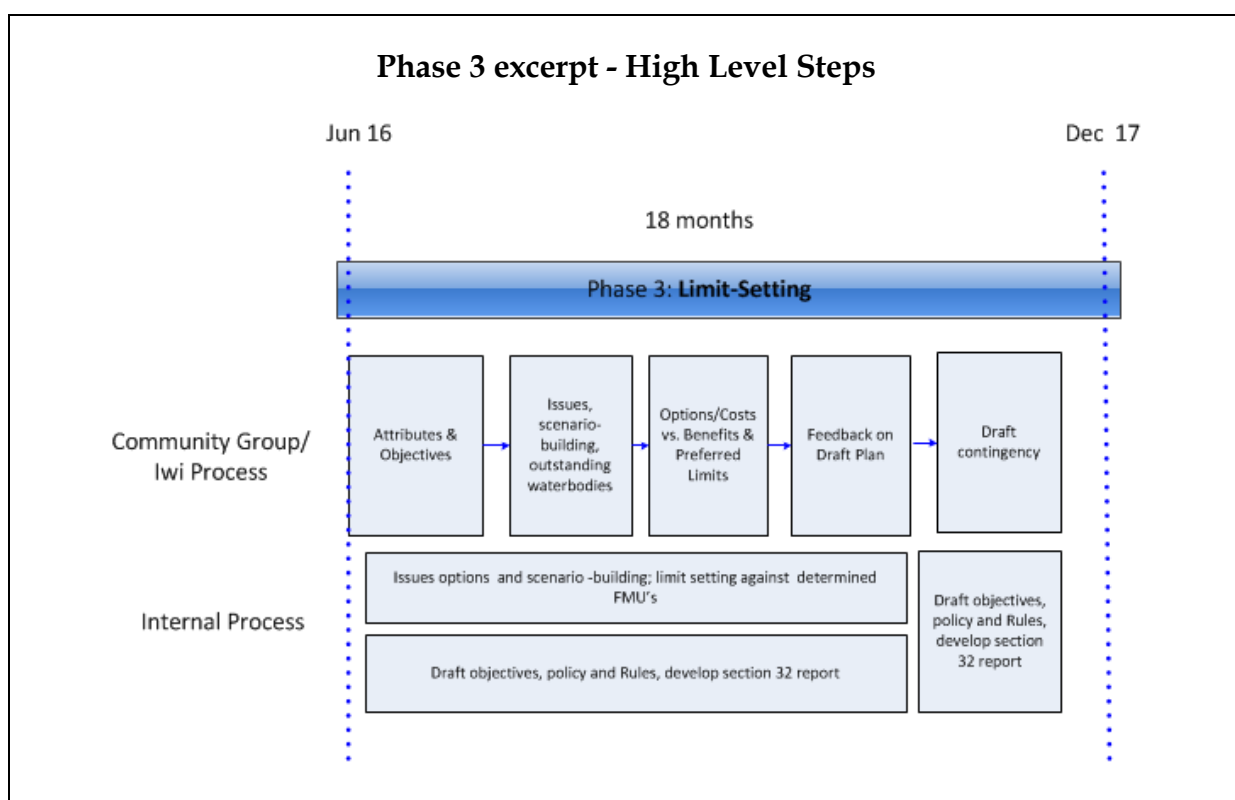
- Phase 1: Nov 14 –Apr 15: Planning
- Phase 2: May 15 –Jun 16: Values determination
- Phase 3: Jul 16 – Dec 17: Limits setting & Draft Plan Change
- Phase 4: Jan 18 –Dec 18: Schedule 1 process – Proposed Plan Change

Phase 1 and 2 are on track to be completed June 16. At the end of Phase 2 we will have values sets for Rangitāiki and Kaituna, along with community input into freshwater management units. See Appendix Six FMU/Values Key Principles. This will set the scene for Phase 3 (Limit Setting).

Phase 3 (Limit-setting) of the Freshwater Futures Project involves development of freshwater objectives, water quality and quantity limits, and methods for freshwater management units based on local freshwater values.

This is a large area of work that will involve iterative modelling of scenarios (for future land use and population growth, effects on freshwater, and for management options), development of preferred management options and assessment of implications (including social and economic implications), and development of plan change scope and content.

A series of key decisions will need to be made throughout this process. Key information and advice will be posed to the Community Groups and Tangata whenua; and key stakeholder groups such as Co-Governance fora, the Regional Water Advisory Group and Territorial Authorities before coming to Council for key decision-making.



## 2.5 PHASE 3 LIMIT SETTING:

Phase 3 of the Freshwater Futures Project will focus on developing Limits for Freshwater Management Units (FMU's) in the Rangitāiki and Kaituna WMA's.

Some of the aspects of the Phase 3 work programme will establish methodology and frameworks that may be applied regionally (in each WMA), with some flexibility for locally specific additions/amendments. The workload on these topics will therefore be considerably less for future WMAs.

These aspects include:

- Analysis of high level policy direction (including the RMA, relevant National Policy Statements, the Regional Policy Statement and RWLP chapters etc.)

<sup>1</sup> Possible Appeals not included

- A framework/template for WMA plan changes
- Development and application of a methodology for identifying FMUs (being drafted based on biophysical attributes, with ability to apply special FMUs)
- A regional set of values (titles and descriptions) which can be applied to FMUs within each WMA (applying localised values where needed)
- Identifying and developing attributes, attribute bands and monitoring/accounting methodologies
- Some of the current state, gaps and trends analysis is at the regional level or could be collated (cut by WMA) at once if this is more efficient
- Some modelling and scenario building methodology may be applicable to other WMAs
- Some of the issue definition, options, and policy and method development will be applicable across other WMAs
- Monitoring plan and accounting systems to be prepared under the NPSFM are likely to include some regional components and some WMA specific.

#### **Community Group Process:**

Some aspects will have to focus on conversations with local communities in Kaituna and Rangitāiki. These include specific conversations (workshops) on:

<b>Workshop:</b>	<b>Purpose:</b>	<b>Outcomes sought</b>
<b>Workshop 5:</b> Attributes and Objectives:	<ul style="list-style-type: none"> <li>• To discuss and test scientific attributes to support measurement of values</li> <li>• Cultural and social attributes – contribute to non-scientific methods that may be used as attributes and indicators of values</li> <li>• Checking current state of attributes for values</li> <li>• Identifying Water Quality below national bottom lines (NBL)</li> <li>• Set initial objectives for each value relating to attributes and state</li> </ul>	<ul style="list-style-type: none"> <li>• Scientific attributes thinking</li> <li>• Non-scientific attributes that may be used</li> <li>• Community understand current state of attributes and values</li> <li>• Discuss and agree draft objectives for values, as developed by staff</li> </ul>
<b>Workshop 6:</b> Develop issues/options	<ul style="list-style-type: none"> <li>• To develop a community perspective on issues and their scale and significance in the WMA</li> <li>• Discuss a range of potential options</li> </ul>	<ul style="list-style-type: none"> <li>• Community perspective on issues and their scale and significance in the WMA</li> </ul>
<b>Workshop 7:</b> Options/Costs vs. Benefits & Limit setting:	<ul style="list-style-type: none"> <li>• Test internally developed scenarios with community – potential futures, likely effects, management options</li> <li>• values and proposed limits</li> <li>• Test various options around their costs vs. benefits</li> <li>• Discuss potential limits developed by staff</li> </ul>	<ul style="list-style-type: none"> <li>• Community input and understanding of scenario building</li> <li>• Community understanding of trade-offs and real cost against various benefits on limits</li> <li>• Agreement of scenario options for setting limits</li> <li>• Agreement on preferred limits for FMU's</li> </ul>
<b>Workshop 8:</b> Feedback on Draft Plan:	<ul style="list-style-type: none"> <li>• Run through Draft Plan Change and supporting documents with Community Group</li> </ul>	<ul style="list-style-type: none"> <li>• Gain feedback on Draft Plan change Document – options, questions, wider community acceptance</li> </ul>
<b>Workshop 9:</b> Contingency:	Only to held if community group need further time to talk over draft document	

## 2.6 ENGAGEMENT APPROACH

Council considered a spectrum of levels in public participation, and decided that it will “involve” the community in the Freshwater Futures programme to implement the NPS-FM (RDD, 9 December 2014).

“Involve” was described to mean that Council will work with targeted groups and seek their advice throughout the policy development phase, including what the values and objectives are, and what the options for limits should be.

Staff retain responsibility for policy formulation but will develop the policy iteratively by involving the community and iwi, hapū.

Council also recently decided that it will engage with tangata whenua in addition to community groups (RDD, 30 September 2015).

The fundamental principles of involving the community are that Council will:

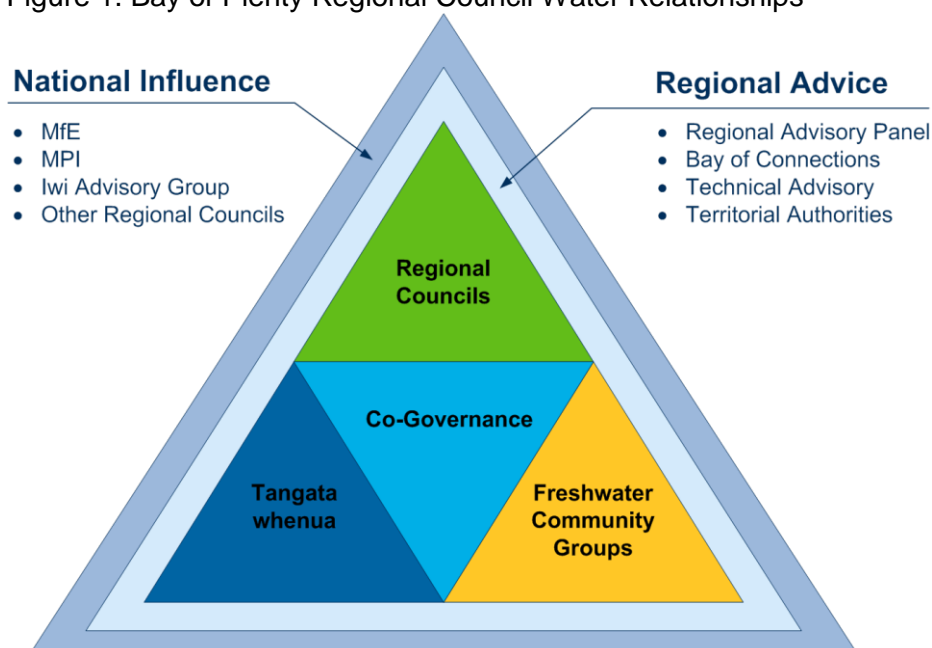
- provide reasonable opportunity for the community and tangata whenua to work with them throughout the process, including adequately informing and focussing engagement to enable them to provide informed, timely and relevant input . See Appendix Eight – Terms of Reference (Rangitāiki) Community Group.
- seek to genuinely understand and consider the concerns and aspirations of the public
- reflect community concerns and aspirations in the alternatives developed by Council
- retain decision-making responsibility, informed by the outcomes of community and tangata whenua involvement
- provide feedback as to how the outcomes of public involvement influenced decisions.

In practice, this means Council leads and makes decisions on programme content, timing and budgets and ultimately retains decision-making authority.

## 2.7 HOW IT ALL FITS TOGETHER

A diagram showing how these committees, panels and groups work together (Figure 1). **Council is the decision maker with recommendations** from Co-Governance groups who have had input from both Community Groups and Tangata Whenua. Council also has water information provided both at a national and regional level.

Figure 1. Bay of Plenty Regional Council Water Relationships



### 3.0 REGIONAL ADVICE

The following groups are in place to provide regional advice:-

- Regional Advisory Panel
- Bay of Connections
- Technical Advisory Groups (Land and Freshwater)<sup>2</sup>
- Territorial Advisory groups

#### 3.1 REGIONAL ADVISORY PANEL

This group consists of key stakeholders representing Māori, environmental, economic development, energy, forestry, agriculture and tourism interests.

The purpose of this group is to provide council with sector based advice. In addition to this advice, this group provides support (where relevant to the community groups).

#### 3.2 BAY OF CONNECTIONS

Bay of connections focuses on economic growth opportunities within the BOP region, primarily this is industry led. In 2015 the Regional Growth study for BOP was released and this identified 74 actions around opportunity areas including Horticulture, Aquaculture, Forestry, Visitor economy, Agribusiness, Geothermal, Education, Māori land utilisation and Water.

The purpose of this group is to focus on economic development opportunities for the BOP region. It should be noted that Water is identified as a key enabler to a large number of opportunities.

#### 3.3 TERRITORIAL AUTHORITIES

<sup>2</sup> Currently supporting Rotorua Lakes programme & planned to be expanded to support BOP Region



This group consists of all Territorial Authorities in the BOP region and the Regional Council.

The purpose of this group is to provide council with advice from a TLA perspective. In addition to this advice, this group will be providing key input to community groups around local infrastructure / consents, and highlight any rate payer impact of improvements identified.

**RECOMMENDATION:**

1. **ACCEPT** this paper as a high level overview
2. **THAT** Land TAG discusses and agrees areas in which it could provide support/advice to BOPRC through the NPS FM process.

Name  
JOB TITLE

Ian Morton  
BOPRC Science and Strategy Programme  
Manager

| 25 May 2016~~17 May 2016~~