

Appendix 3.25.6

Memo

12 July 2012

To: Strategic Management Group

From: Debra Yan, Unitary Plan, Work Stream Lead for Natural Environment

Subject: **Background Paper on the National Policy Statement Freshwater Management 2011**

This paper outlines the recommended Unitary Plan policy approach to giving effect to the National Policy Statement Freshwater Management 2011 (NPSFM).

Background

The NPSFM was gazetted on 12 May 2011 and the Unitary Plan must give effect to it.¹ The Preamble of the NPSFM states that it “sets out objectives and policies that direct local government to manage water in an integrated and sustainable way, while providing for economic growth within set water quantity and quality limits.” It requires the involvement of iwi and the management of land and water in an integrated way.

By way of overview, the NPSFM requires the Auckland Council to complete following steps:

- Identify community interests and values for Auckland freshwater bodies;
- Establish freshwater objectives for those water bodies that reflect those interests and values;
- Set water quality and water quantity limits to achieve the freshwater objectives, or targets for improvement where water does not currently achieve meet the freshwater objectives;
- Avoid future over-allocation (exceedence of the limits) and phase out any existing over-allocation.

The NPSFM is to be given effect to “as promptly as is reasonable” and it is to be fully implemented by 31 December 2030. If a council cannot give effect to the NPSFM by 31 December 2014 then it must adopt an implementation programme by November 2012.

Current Issues

The Auckland Regional Plan: Air, Land and Water (ALW Plan) is the main legacy plan relevant to the NPSFM.² The ALW Plan does not fully give effect to the NPSFM as it does not establish freshwater objectives, it only contains water quantity limits for some aquifers and it has no water quality limits. In terms of water quality the ALW Plan instead requires dischargers to implement the “best practicable option” (BPO) as opposed to complying with water quality standards.

Consequently, a completely new policy approach is required in the Unitary Plan.

Community interests and values for freshwater, and resultant freshwater objectives and limits, are best identified at a catchment scale as those matters will vary spatially across the Auckland region. Council staff considers that to sensibly and fully implement the NPSFM the Auckland region should be divided into 14 water management zones with the community interests and values and freshwater objectives and limits being defined in those zones by way of community and iwi consultation and scientific research over a seven year period.

¹ Section 62(3) RMA

² The Regional Plan: Farm Dairy Discharges and the Regional Plan: Sediment Control are also relevant.

Options Considered

Given that full implementation of the NPSFM cannot be achieved by December 2014 two Unitary Plan options have been considered:

Option 1 Roll over existing provisions

This option would leave the ALW Plan in place while work programme outlined above is undertaken. This option has the major disadvantage that the Unitary Plan would give very limited effect to the NPSFM over the intervening period. That is sub-optimal from an environmental perspective as BPO would continue to be applied in the interim and the historical use of BPO has had mixed success in avoiding the degradation of Auckland water bodies and estuarine areas. It could also give rise to a public perception of Council inaction.

Option 2 Establish Interim Freshwater Objectives and Guidelines (a and b below)

a) Interim Objectives and Guidelines

While the catchment level identification of community interests and values for freshwater and resultant freshwater objectives and limits is a necessary and time consuming process, it is highly likely that the interests and values help for freshwater elsewhere in New Zealand (which are also reflected in the Auckland Plan) will hold for Auckland's freshwater bodies, at least at a high level.

It is therefore possible to establish interim region-wide freshwater objectives now that recognise commonly held values and interests such as water supply, aquatic ecosystems, amenity (which includes aesthetics and recreational attributes) and Maori cultural values. These high level value statements can be refined through the Unitary Plan's First Schedule process.

Interim limits and guidelines can also be established now including:

- The aquifer allocation limits contained in the ALW Plan;
- Minimum flows and allocation limits for rivers and streams that have arisen out of recent Environment Court proceedings (Pukekohe catchments) or are based on the approach used in the draft NES for Ecological Flows and Water Levels as suitably modified for Auckland conditions;
- Water quality guidelines based on biological measures (MCI values³) derived from Auckland specific monitoring and modelling.

In terms of the suggested water quality guidelines, the use of biological measures does not indicate that biological values are more important than other values associated with freshwater; rather that, for most water bodies, if the biological objectives are being met, the other values for which the water body may be managed are also likely to be met. For example, a water body that meets a high biological objective is likely to be suitable for recreational activities, domestic water supply (subject to treatment), food production and harvesting and animal drinking water.

b) Proposed Water Management Zone Work Programme

The NPSFM requires specific quantifiable quality and quantity limits to be set for all freshwater bodies (rivers, lakes and aquifers). These limits must reflect local values.

Implementing the NPSFM requires engaging with local communities and stakeholders. It also includes working with iwi and hapū. In order to work at a manageable scale it is proposed that the Auckland area be divided into a number of zones. These zones will be based on hydrologic catchments, Local Board boundaries and iwi and hapū rohe. It is currently anticipated there will be between 7 to 14 zones.

The process will involve:

- setting up a community engagement structure
- gathering information about the current state of the freshwater bodies in each zone for informed decision making

³ Macroinvertebrate community index

- undertaking a gap analysis of the available information in each zone
- discussing the values associated with the freshwater bodies in each zone
- setting narrative and / or numeric objectives and limits for the freshwater bodies in terms of minimum flow levels, aquifer levels / availability and water quality standards such as concentrations of dissolved oxygen or levels of contaminant such sediment load from both point source discharges and diffuse discharges.

It is possible that the initial aspirations for values and objectives are not fully achievable from an economic activity, development or cost of implementation basis. The likely implications of adopting values and objectives will have to be assessed to determine how achievable they are. Therefore, establishing limits for each of the local zones is likely to be an iterative exercise. The process will be progressively introduced in each of the zones in the Auckland area over a number of years. The Land and Water Forum, advisory group to the Ministers for Primary Industries and Environment are recommending a collaborative engagement model as opposed to consultation and the RMA Schedule 1 process. Whether Auckland Council adopts a collaborative model, a consultative model or some intermediate step has yet to be determined. The advantages and disadvantages of each need to be presented to, and considered by council before a decision is made.

Other Considerations

Directives 7.8 to 7.10 of the Auckland Plan (chapter 7 Auckland's Environment) state:

Establish freshwater values and aspirations with communities and make freshwater an identifying feature of Auckland.

Set limits for minimum water quality and for maximum water take, to support iwi, community and water user's aspirations.

Manage land to support the values of waterbodies by protecting where they are high and reviving where they are degraded.

Option 2 outlined above is consistent with the Auckland Plan directives.

Analysis of Options

Given that it is not possible to fully implement the NPSFM in the first iteration of the Unitary Plan, coupled with the fact that the "do nothing" option has environmental and public perception downsides, Option 2 is recommended. Council science staff are comfortable that the suggested region wide (or high level) interim limits or targets are robust and defensible.

Unitary Plan Tier 1 and Tier 2 wording that implements Option 2 has been drafted and is currently the subject of ongoing consultation and refinement across the various sections and units of Council including Watercare.

Decision Sought

Confirmation that the recommended approach of developing interim freshwater objectives, limits, targets or guidelines is appropriate.

Next Steps

Assuming Option 2 is confirmed, the next steps are for Auckland Council staff to continue consultation and finalise the necessary wording for inclusion in the Unitary Plan by late May 2012.