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REPORT SUMMARY

Report to: Environment & Planning Committee
Meeting Date: 2 June 2011
Report Author: Mary-Anne Baker and others
Subject: **NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT 2011 AND ITS IMPLICATIONS FOR TASMAN WATER MANAGEMENT**

EXECUTIVE SUMMARY

The Government has adopted a National Policy Statement (NPS) for the management of freshwater that will take effect on 1 July 2011.

The NPS contains a number of objectives and policies in relation to water quality, water quantity, integrated management, tangata whenua and implementation.

This report briefly describes the content of the NPS and indicates its potential effect on water management activities for Tasman including investigations, monitoring and policy responses through the Tasman Resource Management Plan (TRMP).

RECOMMENDATION/S

That the report be received.

DRAFT RESOLUTION

THAT the Environment & Planning Committee receives the National Policy Statement - Freshwater Management 2011 Report REP11-06-06

Report No:	REP11-06-06
File No:	R427
Report Date:	19 May 2011
Information Only – no decision required	

Report to: Environment & Planning Committee
Meeting Date: 2 June 2011
Report Author: Mary-Anne Baker and others

Subject: **NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT 2011 AND ITS IMPLICATIONS FOR TASMAN WATER MANAGEMENT**

1. Introduction

1.1 The Government has adopted a National Policy Statement (NPS) for the management of freshwater that will take effect on 1 July 2011.

The NPS contains a number of objectives and policies in relation to water quality, water quantity, integrated management, tangata whenua and implementation.

This report briefly describes the content of the NPS and indicates its potential effect on water management activities for Tasman including investigations, monitoring and policy responses through the Tasman Resource Management Plan (TRMP).

2. Water Quality

2.1 The NPS objectives for water quality are at a high level:

- to safeguard life-supporting capacity and ecosystem processes while sustainably managing the use and development of land and contaminant discharges
- to maintain the overall quality of water while protecting outstanding water bodies and significant wetlands and to improve degraded water quality.

The policies require regional councils to establish freshwater objectives and to set water quality limits for all water bodies having regard to climate change and connections between water bodies. The NPS introduces the concepts of water quality (i.e. contaminant discharge) “allocation limits” and “over-allocation” in relation to water quality. Water quality can be said to be over-allocated where contaminants go beyond any set water quality limit, and mean the objectives (for identified end uses and values) are no longer being met. Methods may be needed to avoid over-allocation.

Where water quality does not meet objectives that are established, then the council must specify targets, implement methods and determine timeframes. These actions will need to account for the effects of both point source discharges and diffuse (area-sourced) discharges of contaminants on water quality.

- 2.2 The Council already has water quality objectives, policies, and standards, including some for specific water bodies. Water is classified in the Motueka and Waimea catchments applying objectives and standards for some specific end uses for which water quality is important. The Motueka and Buller Rivers and tributaries are in part subject to water quality objectives and standards through the water conservation orders applying to these water bodies. Recent changes to the TRMP establish policies for addressing water bodies that do not meet objectives for stock drinking water and contact recreation.

Council's management of contaminant discharges has been guided by a policy framework that seeks to maintain water quality, or enhance quality where it has been degraded. This framework primarily addresses point source discharges; the NPS requires Council to also address non-point discharges.

The NPS can also be interpreted to require Council to set cumulative limits below which discharges can be sustainably managed. Some work will be required to address this gap and in part is already programmed, accounting for the water body values and uses, and cumulative stresses from different contaminants on the types of receiving environments in the District. This includes the development of water management provisions for Golden Bay, which is part of the current work programme, as is the further development of the Schedule 30A of water body uses and values.

- 2.3 In setting objectives and limits for water quality in the District's water bodies, the Council must also adopt measures to avoid "over-allocation" of a water body's assimilative capacity. The implication is that allocation limits would need to be developed but for what specific contaminants and in respect of what specific water bodies, is unclear.

As mentioned, limits would need to account for non-point sources as well as point source discharges. This is potentially a large area of work judging from the experience in Taupo and Rotorua. An understanding of the sustainable assimilative capacity of the District's water bodies would need to be developed and agreed upon.

- 2.4 The challenge for Council and its staff and the community will be to understand the dynamics and risks posed by contaminant discharges (both point and non-point sources) in relation to the relevant water bodies, in sufficient detail to establish useful limits and devise appropriate measures to address "over-allocation". This includes ensuring good understanding about land use effects on water quality.

The expectation is that regional councils will all be grappling with what the NPS will require of them in relation to managing and improving water quality. It can also be expected that there will be improved collaboration to work out how the NPS can be most cost effectively be given effect to. The NPS requires that the policy be implemented as promptly as is reasonable and for it to be completed no later than 2030. If Council cannot complete implementation of the policy fully by 2014 the Council may implement it by a programme of defined time-limited stages by which it is fully implemented by 2030.

A further scoping report will be made to Council when it is better understood what we might need to do so that budget and resourcing implications can be considered as part of the current LTP review.

3. Water Quantity

- 3.1 The NPS objectives for water quantity address sustainable development, but also avoidance of over-allocation, improving and maximising efficient use of water and protection of wetlands.

As for water quality, flow objectives and flow or level limits must be set by Council, having regard to the effects of climate change and interconnections between water bodies.

Allocation of water must be within set limits, applications for transfers must be subject to defined criteria and efficient use must be encouraged. No consent applications must be granted by a council if over-allocation will result.

Timeframes for phasing out any over-allocation must be developed.

- 3.2 The Council's Plan already contains the limits and low flows for a large number of specified water bodies, and includes default allocation regimes for the rest. Over-allocation in the Waimea zones is being addressed subject to a specified timeframe. The Plan also contains specific rules and criteria for water transfers and a number of provisions aimed at requiring or encouraging efficient water use. Climate change effects are included in any water resource assessment and Council already accounts for connections between groundwater and surface water as well as the seawater interface in relation to aquifers.
- 3.3 Staff consider that little additional work will be required in respect of water allocation provisions in the TRMP. Some work is required to develop specific provisions for the Golden Bay water resources, but this is part of the current work programme.

4. Integrated Management

- 4.1 The policies seeking integrated management are general in scope, but make a particular mention of the co-ordination and sequencing of growth, land use and development and the provision of infrastructure.
- 4.2 None of this is expected to be a challenge for Council as it already works in this way. Specific recognition of the impacts of growth, use and development of land on water resource demand may however need to be made more explicit in Council's planning documents, including the Growth Model for the LTP and AMPs, and in the TRMP in relation to take reservation regimes for community water supplies.

5. Tangata Whenua

- 5.1 The NPS specifies the particular steps for the Council to involve and work with iwi. None of the provisions are a particular challenge for Council, although there may be some issues around the capacity of the local iwi to contribute.

6. Policy Direction

- 6.1 The NPS includes a direction to include (to the extent needed) a specific policy in relation to the consideration of applications for discharge consents and also a policy in respect of applications to take, use, dam or divert water.
- 6.2 Neither Policy is likely to impact significantly on how Council already considers new applications but despite the phrase "to the extent needed" staff consider that the policies should be inserted in the TRMP in the interim, and until a more comprehensive review of provisions is carried out.
- 6.3 The insertion (see Appendix 1) can be done as part of the next programmed TRMP update in June.

6. RECOMMENDATION/S

That this report be received.

6. DRAFT RESOLUTION

THAT the Environment & Planning Committee receives the National Policy Statement- Freshwater Management 2011 report {report no.}

Mary-Anne Baker
Policy Planner

NATIONAL POLICY STATEMENT FOR FRESHWATER; POLICIES TO BE DIRECTLY INCLUDED IN REGIONAL PLANS.

Policy A4 and direction (under section 55) to regional councils

By every regional council amending regional plans (without using the process in Schedule 1) to the extent needed to ensure the plans include the following policy to apply until any changes under Schedule 1 to give effect to Policy A1 and Policy A2 (freshwater quality limits and targets) have become operative:

- “1. When considering any application for a discharge the consent authority must have regard to the following matters:*
 - a. the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water and*
 - b. the extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water, resulting from the discharge would be avoided.*
- 2. This policy applies to the following discharges (including a diffuse discharge by any person or animal):*
 - a. a new discharge or*
 - b. a change or increase in any discharge –*

of any contaminant into fresh water, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water.
- 3. This policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management takes effect on 1 July 2011.”*

Policy B7 and direction (under section 55) to regional councils

By every regional council amending regional plans (without using the process in Schedule 1) to the extent needed to ensure the plans include the following policy to apply until any changes under Schedule 1 to give effect to Policy B1 (allocation limits), Policy B2 (allocation), and Policy B6 (over-allocation) have become operative:

- “1. When considering any application the consent authority must have regard to the following matters:
 - a. the extent to which the change would adversely affect safeguarding the life-supporting capacity of fresh water and of any associated ecosystem and
 - b. the extent to which it is feasible and dependable that any adverse effect on the life-supporting capacity of fresh water and of any associated ecosystem resulting from the change would be avoided.

2. This policy applies to:
 - a. any new activity and
 - b. any change in the character, intensity or scale of any established activity –

that involves any taking, using, damming or diverting of fresh water or draining of any wetland which is likely to result in any more than minor adverse change in the natural variability of flows or level of any fresh water, compared to that which immediately preceded the commencement of the new activity or the change in the established activity (or in the case of a change in an intermittent or seasonal activity, compared to that on the last occasion on which the activity was carried out).

3. This policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management takes effect on 1 July 2011.”