

National Policy Statement for Freshwater Management Progressive Implementation Programme

File No.: CP2012/12964

Purpose

1. This report presents the Regional Development and Operations Committee with the progressive implementation programme that will enable the Council to implement the National Policy Statement Freshwater Management 2011 (NPSFM) in Auckland. The NPSFM requires that a staged implementation programme be formally adopted by Council and publicly notified.

Executive Summary

2. The NPSFM sets the direction for future freshwater management in New Zealand. The NPSFM was gazetted by the Government in May 2011. The NPSFM sets out objectives and policies that direct local government to manage water in an integrated and sustainable way, while providing for economic growth, environmental integrity and values that are important to New Zealanders.
3. The Auckland Plan strategic directives 7.8 and 7.9 give effect to the NPSFM and interpret the national direction within this planning tool. Implementation actions are in alignment with the national direction, regionalise the policy for Auckland, and provide detail on key steps to implement the NPSFM. Auckland Council, as the local authority for Auckland, must recognise the national policy statement in its regional policy statements and plans. The Auckland Unitary Plan will provide the freshwater framework within which policy will be developed. To meet the objectives and policies of the NPSFM and the directives of the Auckland Plan, the implementation programme will sequence work over seven years. Long Term Plan (LTP) funding has been committed to the project for this period.
4. The NPSFM provides for local authorities to formally adopt a progressive implementation programme where it cannot implement the NPSFM by December 2014. The Auckland Council NPSFM implementation programme is tabulated. It meets the NPSFM requirement of defining time-limited stages. It outlines what will be done and when, but does not prescribe how it will be implemented. How the work will be implemented will be addressed in subsequent agenda reports.

Recommendation/s

- a) That the Regional Development and Operations Committee adopt the National Policy Statement for Freshwater Management Implementation programme for Auckland Council.

Discussion

5. The NPSFM sets the direction for future freshwater management in New Zealand. The NPSFM was gazetted by the Government in May 2011 and this was reported to the Environment and Sustainability Forum in June 2011 and May 2012. Those reports provided the Environment and Sustainability Forum, the Local Boards and the Independent Maori Statutory Board with an understanding of the implications of the NPSFM for Auckland, key work items, and identified that Auckland Council needs to adopt a progressive implementation programme.
6. NPSFM Policy E1 (c) and (d) provides for councils to formally adopt a progressive implementation programme by November 2012 if it is satisfied that it is impractical for it to complete implementation of the policy statement fully by 31 December 2014.

7. The Auckland Plan states as a priority area (7.2) that Auckland will “sustainably manage natural resources”. This is where the high level strategic direction for water management is provided. Several other areas of the Plan also provide direction on water, or are dependent on water for the stated outcomes. It is estimated that around 20-30% of the Auckland Plan directives include water, are dependent on water, or might affect water during their implementation. Strategic directives 7.8 and 7.9 are written to give effect to the NPSFM and reinterpret the national direction within this planning tool. Specific implementation actions also draw on the language and intent of the NPSFM. Therefore, the Auckland Plan is in alignment with the NPSFM and it provides detail on key steps required to implement the national requirements.
8. Funding has been allocated to implement the NPSFM over the financial period 2012-2019 in the LTP.
9. The Proposed Auckland Unitary Plan is currently being drafted. A freshwater framework is included which provides for incorporation of freshwater provisions as they are developed and forms the foundation on which the implementation programme will build.

Outline of the National Policy Statement for Freshwater Management (2011)

10. The NPSFM sets out objectives and policies that direct local government to manage water in an integrated and sustainable way, while providing for economic growth and environmental integrity, and provides for the values that are important to New Zealanders.
11. NPSFM Parts A and B are about setting enforceable water quality and water quantity limits. This step toward achieving environmental outcomes creates incentives to use freshwater efficiently, while providing certainty for investment. Limits must reflect local and national values and should be informed by the best available information including scientific and socio-economic information.
12. NPSFM Part C, integrated management, recognises the interrelationship between water bodies, ecosystems, land use and development activities and the coastal environment in whole catchments. Activities must be managed in an integrated and sustainable way and cumulative effects of activities must also be managed.
13. NPSFM Part D provides for iwi and hapu to be involved; to ensure that tangata whenua values and interests are identified and reflected in the management of freshwater.
14. NPSFM Part E prescribes the timeframes within which the NPSFM must be implemented. Where a regional council cannot implement the policy statement fully by December 2014 a programme of time limited stages must be adopted by November 2012.
15. The NPSFM directs local authorities in what must be done, but not how.

On-going Central Government Freshwater Work Streams

16. The Land and Water Forum presented its second report to government in May 2012. That report made recommendations to the government on the setting of limits for water quality and quantity, and freshwater policy and plan making through collaboration. The government has yet to release any decisions in response to the Forum’s recommendations.
17. The Land and Water Forum continues to work on national bottom lines (limits), water trading, allocation (quality and quantity) and governance. The Forum is due to report to the Minister for the Environment in October 2012.
18. The past and current work being undertaken by the Land and Water Forum may, dependent upon government decision making, direct how some parts of the NPSFM are implemented.

Planning for Auckland’s Freshwater – Statutory Context

19. The Auckland Plan provides the strategic direction for Auckland’s future and presents a clear vision for water. Key Auckland Plan directives include:
 - Directive 7.8 “Establish freshwater values and aspirations with communities and make freshwater an identifying feature of Auckland”. Auckland is valued for its coastal environment, urban opportunities, regional parks and many other features.

- Directive 7.9 “set limits for minimum water quality and for maximum water take, to support iwi, community, and water users’ aspirations,” clearly relates to the NPSFM and directs a methodology for setting capping resource use.
 - Directive 7.10 “Manage land to support the values of water bodies by protecting them where they are high and reviving them where they are degraded,” provide guidance on how land use will be managed to achieve this vision.
20. Auckland’s freshwater resources are currently principally managed through the Auckland Council Regional Policy Statement, the Auckland Council Regional Plan: Air, Land and Water (ALWP), and the Auckland Sediment Control and Farm Dairy Discharge Regional Plans. These statutory documents meet some policies of the NPSFM.
21. The notified Auckland Unitary Plan will provide a freshwater framework with interim region-wide objectives and policies that are NPSFM compliant. Some of the NPSFM compliant policies and methods of the ALWP will also be included in the notified version. The freshwater framework will enable new freshwater provisions, developed through the NPSFM implementation programme, to be incorporated seamlessly into the Plan by way of future variation(s) or plan changes.

A Better Freshwater Future: Implementing the NPSFM and Auckland Plan Directives

What we need to achieve

22. New freshwater objectives, policies and methods for water quality, iwi involvement, limit setting (both water quality and water quantity) and allocation of water resources need to be developed.
23. Degrading water bodies (below a water quality limit) and over allocating water (above a water quantity limit) is not acceptable and targets and methods to address this must be set.
24. Management of the effects of land use, land development, water use and discharges of contaminants must be integrated along with their downstream effects on coastal environments.
25. A review of the Auckland Plan directives and actions for water is required with the analysis needing to be built into the implementation programme.

What we need to do

26. Freshwater policy that will deliver good outcomes for Auckland must provide for involvement of iwi and hapu, water stakeholders and local communities. This aligns with Auckland Plan directive 7.8.
27. Splitting the region into Water Zones is a practical way of managing the freshwater implementation workload and enables alignment with the Auckland Council Marine Spatial Planning Project (joint with Waikato Regional Council). These zones need to be determined at a scale that meets the needs of both projects and those we engage with.
28. The Water team will work progressively across the region with iwi, water stakeholders and local communities to establish specific freshwater values, objectives, limits and targets for all water bodies within the zones.
29. Data sets need to be drawn together to underpin future work. The Auckland Council Freshwater Inventory project is a complementary project to the NPSFM and will support the development of spatial data sets.
30. Monitoring and research will be required for region-wide work as well as at a local level. Some areas are rich in fresh water information due to past and present water demand, while some are poor. Other data and information, for example socio-economic, may also be lacking and those gaps will need to be identified and addressed.
31. Tools will be required to enable understanding of the relationship between land use and development, water use, ecosystems and coastal environments. These will enable understanding of the implications of different policy options during the engagement phases.

32. The implementation programme is sponsored by Dr Roger Blakeley, Chief Planning Officer. The Regional Development and Operations Committee is the Committee of the whole that can formally adopt the Auckland Council NPSFM Implementation Programme.

The Auckland NPSFM Progressive Implementation Programme

33. The proposed implementation programme is attached and identifies the main work elements and timeframes for implementing the NPSFM. While the specific number of zones is yet to be determined, the programme identifies three zones to illustrate that the local implementation work will be sequential rather than in parallel.
34. The NPSFM requires the policy be fully implemented by December 2030 (Policy E1b). To be fully implemented requires that the provisions in the plans be beyond appeal.
35. The timeline for the progressive implementation programme includes the engagement programme at a local level to develop the draft plan provisions, including zone specific objectives and limits. It is envisioned that this will be completed by 2019, well within the deadline. The programme does not include the RMA First Schedule process to make plans operative. However, it is considered that there is sufficient time for plan variations to become operative.

Consideration

Local Board Views

36. Local Boards received the May 2012 report to the Environment and Sustainability Forum. Two Local Boards have tabled concern that the NPSFM cannot be fully implemented by December 2014. Additional information to support the proposal to undertake the NPSFM implementation programme over seven years is provided in this report.

Maori Impact Statement

37. The NPSFM implementation programme will build on the process initiated by the Unitary Plan team to involve Maori in freshwater management. The Maori Strategy and Relations Team is supporting the Water Management Team's aspiration to build an on-going relationship with iwi and hapu for this programme.
38. An external communications and engagement plan for the programme will be drafted and will include input from iwi.

General

39. The Auckland Council must formally adopt a programme of staged implementation by 12 November 2012. The Regional Development and Operations Committee has the delegation to adopt the recommended NPSFM Implementation Programme for Auckland Council.
40. The adoption of the NPSFM implementation programme does not trigger the Significance Policy. The programme of work will enable stakeholders and interested members of the community to participate in the development and implementation of Auckland's freshwater management. While the NPSFM requires the Council to adopt an implementation programme by November 2012, it does not preclude amendment of the programme at a later date.
41. The budget implications for implementing the NPSFM have been included in the Long Term Plan. The Council has allocated \$1.7 million to implement the NPSFM from 2012-2019.
42. Auckland Council is legally bound to fully implement the NPSFM 2011 by 31 December 2030. To enable this, the Council must formally adopt a staged-implementation programme by 12 November 2012 and report annually on progress. By adopting this programme and publicly notifying the implementation programme, the Council will meet its immediate legislative requirements.

Implementation Issues

43. There are no implementation issues arising from this report. However, there are potential issues if the NPSFM implementation programme is not adequately resourced over the next seven years. Should government make any legislative changes as a consequence of recent and current work on water management, they may have an impact on the current programme and require revision of timeframe and funding.
44. Additionally, the NPSFM must be fully implemented by December 2030. While the Auckland National Policy Statement for Freshwater Management (2011) Implementation Programme prescribed here is due for completion in 2019, ahead of the final deadline, the provisions must be operative in the Proposed Auckland Unitary Plan for the NPSFM to be considered fully operative. It is considered that there is sufficient time to achieve this timeframe.

Attachments

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Signatories

Authors	Gillian Crowcroft – Principal Specialist Water Roger Bannister – Team Leader Water Management
Authorisers	Ludo Campbell-Reid - Environmental Strategy & Policy Manager Roger Blakeley - Chief Planning Officer

Table 1: National Policy Statement for Freshwater Management Progressive Implementation Programme

	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
What needs to be done							
Determine region-wide methodologies and frameworks	<ul style="list-style-type: none"> • Determine criteria for identifying outstanding watersheds • Establish a set of generic freshwater objectives • Develop methodology for translating freshwater objectives into water quality and quantity limits • Develop methodology for allocating quality and quantity limits to users • Develop policy and methods to address over-allocation, maximising the efficient allocation and use of water and criteria for transferring water take permits • Develop and implement policies and processes to embed integrated Management throughout the Auckland Council 						
Set water zones	<ul style="list-style-type: none"> • Decide on number of zones and their boundaries • Identify potential sequences for working through the zones 						
Identify engagement models and establish key stakeholder and his relationships	<ul style="list-style-type: none"> • Decide on engagement model • Identify stakeholders • Establish relationships with stakeholders and twi 						
Collate region-wide data sets	<ul style="list-style-type: none"> • Identify and collate existing data 						
Identify Auckland-wide research needs	<ul style="list-style-type: none"> • Identify what information we have and what we need • Identify gaps in the information • Identify how gaps are to be filled 						
Monitoring and research	<ul style="list-style-type: none"> • Establish requirements for monitoring NPSFM implementation progress • Establish requirements for monitoring policy implementation and effectiveness 						
Develop decision support tools	<ul style="list-style-type: none"> • Develop decision support tools 						
Zone 1 implementation programme	<ul style="list-style-type: none"> • Set up the engagement model/process for the zone • Apply methodologies to determine freshwater objectives, quality and quantity limits and targets for the zone 						
Zone 2 implementation programme	<ul style="list-style-type: none"> • As for Zone 1 						
Zone 3 implementation programme	<ul style="list-style-type: none"> • As for Zone 1 						

