Te Awarua-o-Porirua Whaitua Committee

greater WELLINGTON REGIONAL COUNCIL Te Pane Matua Taiao

Title: Parts of a policy package for Te Awarua-o-Porirua whaitua: the land and water resource management policy context, policy tools and current policy settings

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Parts of a policy package for Te Awarua o-Porirua whaitua: the land and water resource management policy context, policy tools and current policy settings

Contents

1. Introduction

1.1. Purpose

The purpose of this paper is to lay out the policy framework that the decisions of Te Awarua-o-Porirua Whaitua Committee (the Committee) sit within, including to:

- Identify the key questions the Committee needs to address in order to identify recommendations for their Whaitua Implementation Programme (WIP)
- Describe the 'policy package' framework in order to conceptualise the parts of a policy package, and the relationships between those parts, that will form the basis of WIP recommendations
- Describe the policy context relevant to making decisions on managing activities that impact land and water under the Resource Management Act 1991 and other relevant influences
- Describe the key policy tools within a policy package available for land and water management in Te Awarua-o-Porirua whaitua
- Describe the current 'settings' of these policy tools in Te Awarua-o-Porirua whaitua in relation to managing land and water

2. Key questions for the Committee

The Committee's Terms of Reference[1] identifies specific responsibilities of the Committee. This provides direction on the need to answer the following key questions:

- What are the objectives for water quality in fresh and coastal water for the whaitua?
- What are the priorities for improvement or change to meet these objectives?
- What are the water quality limits necessary to meet these objectives, and what are the timeframes for these to be met?
- What changes are needed to current water quantity limits to meet these objectives?
- What methods are needed to meet the limits and objectives?

These questions need to be answered for each of the different water management units (WMUs).

[1] http://www.gw.govt.nz/assets/TAoPW-Committee-Terms-of-Reference.pdf

3. A policy package framework

3.1. Parts of the policy package

The following diagram provides a conceptual framework showing the parts of a policy package (limits and methods) that can be put together in order to reach an objective. This framework responds to the expectations of the National Policy Statement for Freshwater Management (NPS-FM). The NPS-FM sets out that, in maintaining or improving fresh water quality, regional councils must identify objectives for waterbodies, the limits that will provide for each objective and the methods and timeframes by which limits and objectives will be achieved.[2]

For places in a catchment where an improvement is sought, this means an objective and the associated limit(s) are not currently met. In this case, a limit is called a target, meaning that it is a limit that will be met in the future. A policy package of methods to meet a target may need to consider stages to improvement, including what activities can be undertaken *now* to help transition towards better water quality in the future.

In contrast, a policy package to deliver an objective of maintaining water quality may be quite different if the pressures on water quality are not changing. In this case, the current policy package settings may be suitable. However, if an objective to maintain water quality in a waterbody is challenged by increasing pressures on water quality (e.g. increasing intensification of farming activities or greenfield urban development), a more complicated policy package may be required.

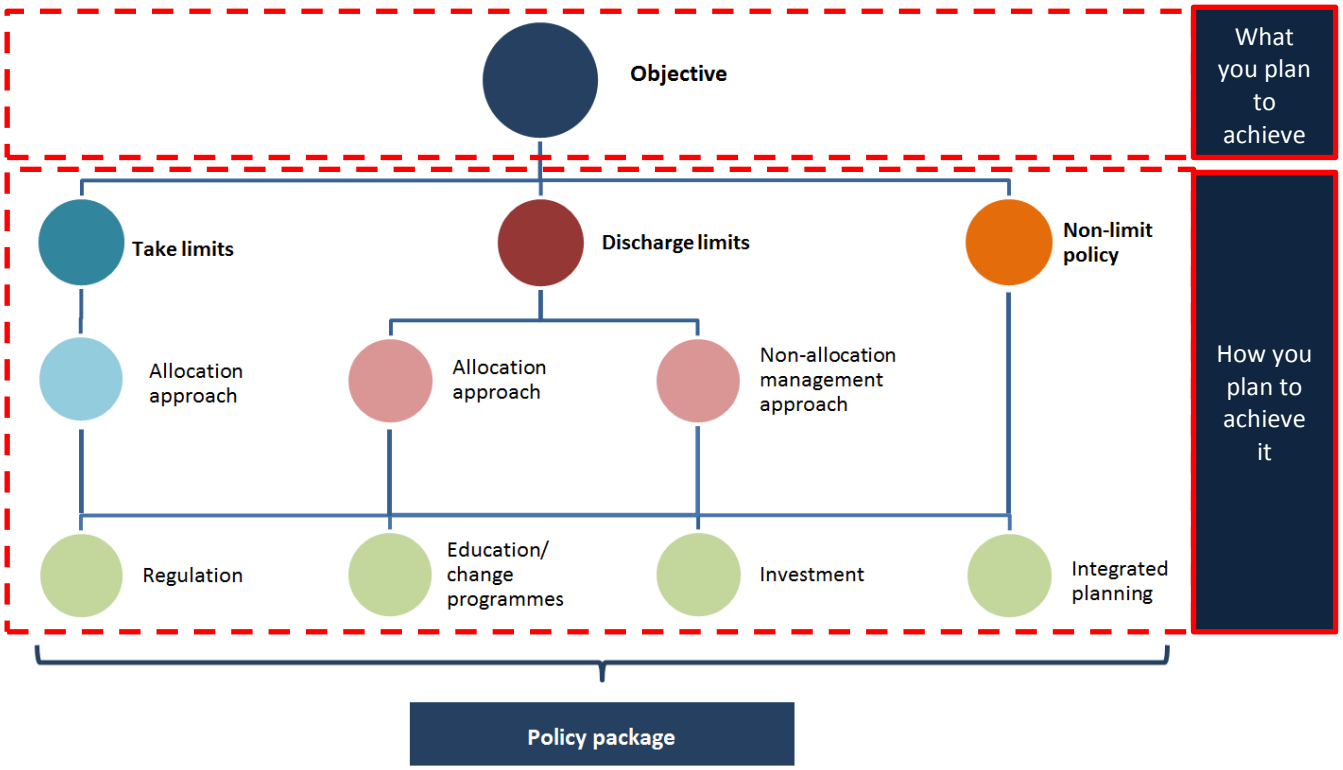

Figure 1. The parts of a policy package for delivering on the NPS-FM requirement to maintain and improve water quality

[2] See Appendix 1 for definitions of key terminology of the NPS-FM

Over the coming meetings, the Committee will be asked to look at what policy tools (the bottom green circles) they are interested in testing to see how they will deliver on the objective to maintain or improve water quality.

3.2. Policy packages in place

As the objectives and policy tools all need to happen somewhere in the whaitua, the Committee has been working through identified water management units (WMUs) to provide a way of dividing up the whaitua. This work has identified five groupings of fresh water bodies in the catchment which have common bio-physical characteristics and as such are likely to have shared objectives.[3] Over the next Committee meetings, the WMUs will provide the starting point for identifying which interventions are needed where in order that objectives can be met.

4. Policy context of the Committee's decisions

In making recommendations in the WIP to address these questions, there are multiple statutory, community and strategic imperatives for the Committee to consider. This includes the Resource Management Act 1991 (RMA), the values and interests of Ngāti Toa as mana whenua, and the Local Government Act 2002 (LGA).

4.1. Resource Management Act 1991

The following diagram shows the key documents under the RMA that influence the work of the Whaitua Committee. These are shown in their approximate order of influence, from the Act (at the national scale) to resource consents (which typically operate at a property-type scale). While there are different types of legal relationships between the various documents, a lower level planning document must, as least, not be inconsistent with that above.[4]

Under the RMA, regional councils can set objectives for water quality in fresh and coastal waters in accordance with Part 2 (this sets out what 'sustainable use of physical and natural resources' means). The Committee's role is to specifically recommend objectives for water quality in Te Awarua-o-Porirua through their WIP to be included in the regional plan. From there, the planning documents below need to be consistent with these objectives. For example, a district plan must give effect to a national policy statement and must not be inconsistent with a regional plan (RMA section 75).

This report does not detail the specific roles and directions of current RMA planning documents relevant to Te Awarua-o-Porirua whaitua as this has been done earlier. For a recap of the content of these, see the summary report from of the Committee's 'information phase'.[5] Otherwise, the key directions from relevant RMA documents are summarised in section 4.4.

[3] See page 11 of http://www.gw.govt.nz/assets/REPORT-Addendum-to-Porirua-FMUs-FINAL-TAoPW-Committee-Meeting-23.3.17-.pdf
[4] For a diagram that shows the legal relationship between key RM documents, see http://www.qualityplanning.org.nz/index.php/plan-steps/writing-plans/linkages-between-key-documents-strategies-and-statutory-acknowledgements
[5] See http://www.gw.govt.nz/assets/SUMMARY-REPORT-Te-Awarua-o-Porirua-Whaitua-Information-Phase-23.12.2015-2.pdf

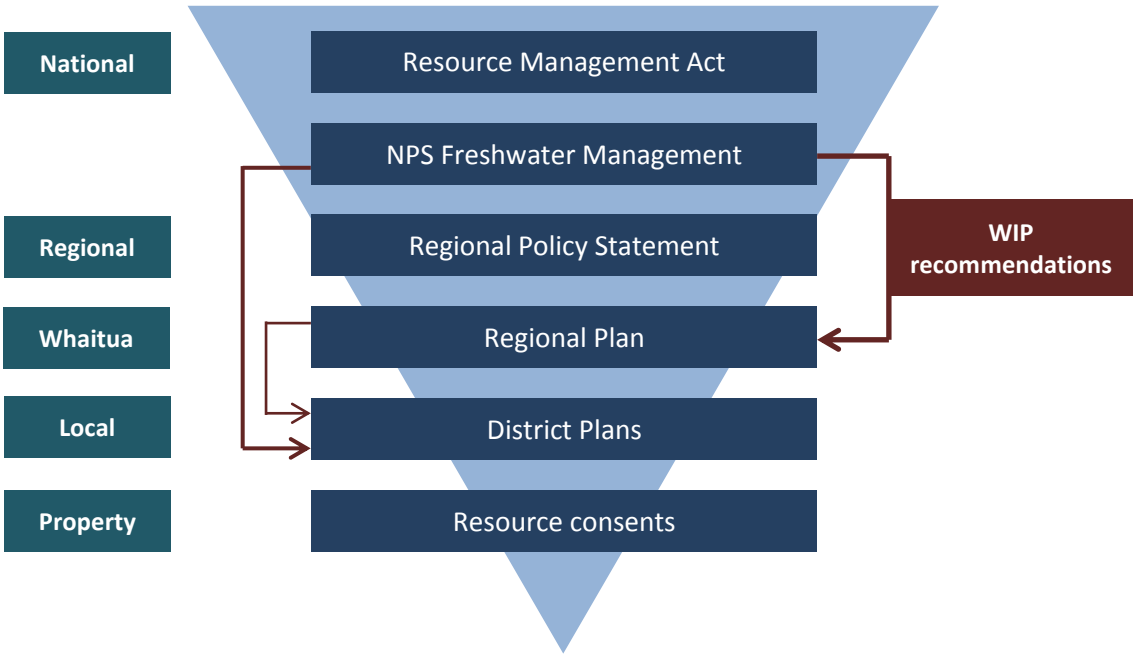

Figure 2. Key RMA documents in water resource management and the scale they most affect. Red lines show key areas of influence between documents in freshwater planning (but are far from exhaustive)

4.2. Mana whenua role and rohe

The northern most point of the Ngāti Toa Rangatira rohe is considered to be Whangaehu in the North Island and extends eastwards to Turakirae Heads, encompassing Te Moana o Raukawa. In Te Wai Pounamu (the South Island) the rohe extends to include all of Te Tau Ihu. Its Southern most point on the West Coast is the outlet of the Arahura River and Kaikoura on the East Coast.

The Ngāti Toa Rangatira Claims Settlement Act 2014 affirms the relationship between Ngāti Toa and its traditional environment which is expressed through the Statutory Acknowledgements (SA) and Deeds of Recognitions (DoR) over sites of cultural significance to Ngāti Toa Rangatira. In giving effect to this relationship, the Greater Wellington Regional Councils' Proposed Natural Resources Plan (PNRP) includes an objectives to recognise, maintain and provide for Māori relationships with land and water (Objective O14), kaitiakitanga is provided for, including by active participation of mana whenua in planning (O15) and that the relationships of mana whenua with Ngā Taonga Nui a Kiwa are provided for (O16).[6]

Further, the NPS-FM requires mana whenua values to be identified and reflected in fresh water management (Objective D1). The New Zealand Coastal Policy Statement (NZCPS) directs that kaitiakitanga is recognised and provided for in the management of the coast, including protecting characteristics of the coastal environment that are of special value to tangata whenua (Objective 3).

4.3. Local Government Act 2002

Porirua City Council (PCC), Wellington City Council (WCC) and Wellington Regional Council (WRC), as well as Wellington Water Limited (WWL) as their council-controlled organisation, each have

[6] See Schedules B, C and D for Nga Taonga nui a Kiwa, sites of significance to mana whenua in fresh and coastal water and statutory acknowledgements in the PNRP http://www.gw.govt.nz/assets/Plans--Publications/Regional-Plan-Review/Proposed-Plan/Chapter-12-Schedules_2.pdf

responsibilities for delivering the requirements of Local Government Act 2002 (LGA). The LGA provides councils with the power to decide which activities they undertake and the manner in which they undertake them. These powers are limited by the purpose of local government under the LGA to meet the current and future needs of communities for good quality infrastructure, local public service and performance of regulatory functions in a cost-effective manner. The goals of the LGA sit alongside that of the RMA to ensure the sustainable management of natural and physical resources.

The LGA is the key tool (rather than the RMA) for all councils to obtain allocate funds to undertake their functions. Councils, under Schedule 10 of the LGA, have an obligation to undertake asset and activity planning. Territorial authorities have to balance infrastructure upgrade spending against other priorities and the interests of a wide audience of ratepayers (e.g. as part of a Long Term Plan). More recently, the LGA was amended to require councils to prepare infrastructure strategies for at least a 30 year period, including for water infrastructure. Infrastructure strategies must identify significant infrastructure issues and identify options for managing those issues over the 30 year period.

4.4. Summary of key policy context

The key directions that create the policy context for the Committee's work and that the WIP recommendations need to provide for are:

- Maintain or improve fresh water quality (NPS-FM and PRNP)
- Maintain coastal water quality and enhance coastal water quality where it has been impacted by human activity (NZCPS)
- Reflect the values of mana whenua in fresh and coastal water management (NPS-FM and Ngāti Toa Rangatira Claims Settlement Act)
- Safeguard the life supporting capacity of freshwater ecosystems and the health of people and communities in fresh water (NPS-FM)
- Avoid over-allocation and improve fresh water quality where over-allocation has occurred (NPS-FM)
- Provide for ecosystem health and mahinga kai, and for contact recreation and Māori customary use in rivers and streams, wetlands, estuaries and the open coast (PNRP)

The ToR also directs that the WIP recommendations should give consideration to the objectives Porirua Harbour and Catchment Strategy and Action Plan (the Strategy). The Strategy has three objectives: reduce pollutant inputs to the harbour, reduce sedimentation rates in the harbour and enhance the harbour and catchments ecological health.

Together with the way the whaitua community values water, these directions from statutory documents inform where the objectives for water quality may lay. In mid-2016, the Committee identified some early 'high-level' objectives (Appendix 2). The Committee's work to identify policy options needs to respond to these objectives. Ultimately, over the coming months the policy package and objectives will need to be explored and adjusted as the Committee becomes more familiar with the policy tools at hand and the trade-offs between values for different management approaches provided by the modelling results.

5. Policy tools available and current policy settings

5.1. Policy tools available

The four main groups of policy tools that can make up any policy package for delivering on fresh and coastal water objectives are: regulation, education or change programmes, incentives and integrated planning (see Figure 3). The figure has been split into tools available to GWRC and those available to PCC, WCC and WWL. This reflects the way in which the WIP recommendations can directly influence the regional scale (through the subsequent plan change to the regional plan), but that the tools available to the TAs and WWL will be critical to the achievement of the fresh and coastal water objectives.

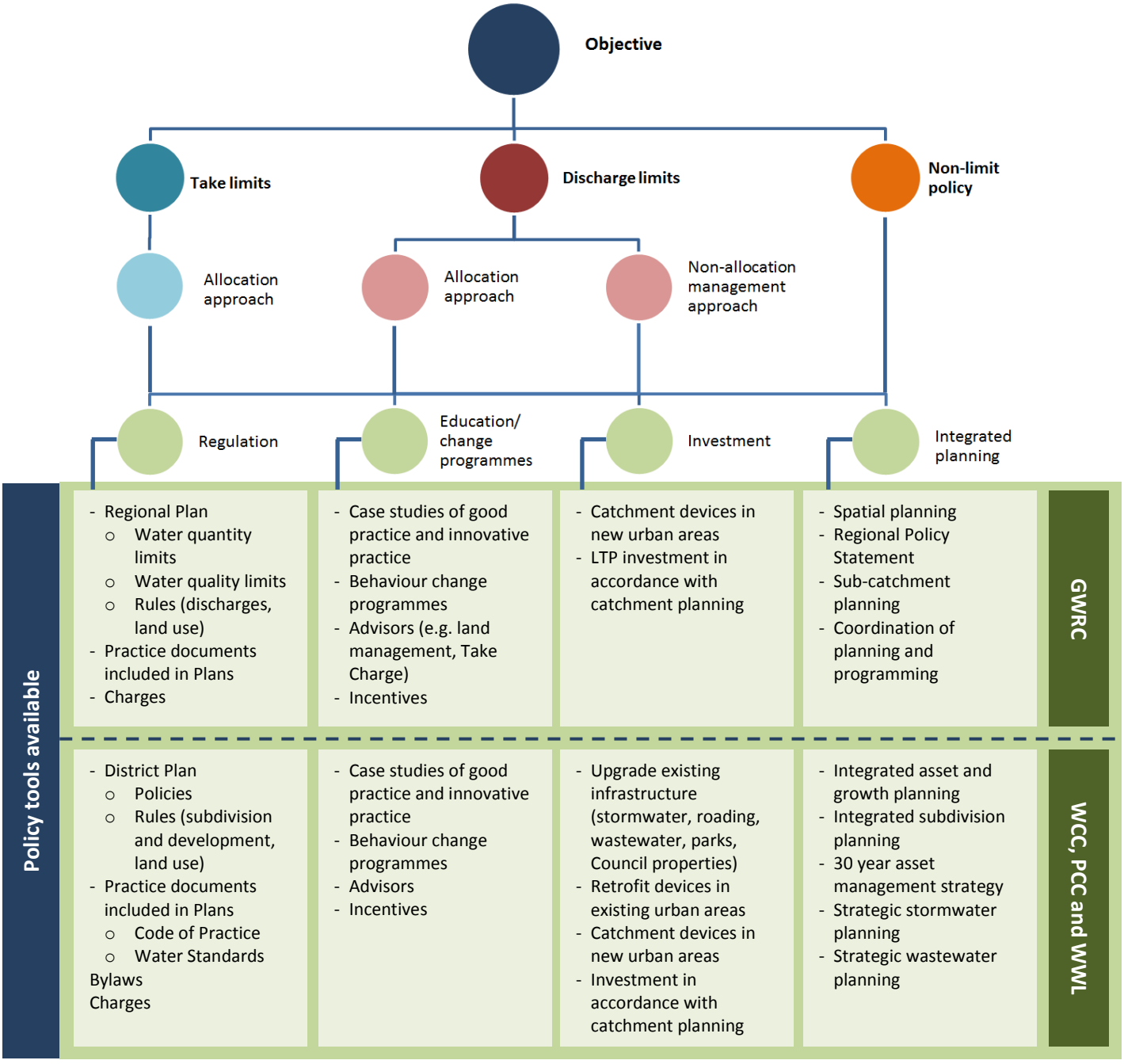

Figure 3. Policy tools available for managing to meet a fresh or coastal water objective

5.2. Current policy settings

Using the same policy package framework, the following diagram shows some of the key documents and practices, investment and process that form the current settings of these policy tools.

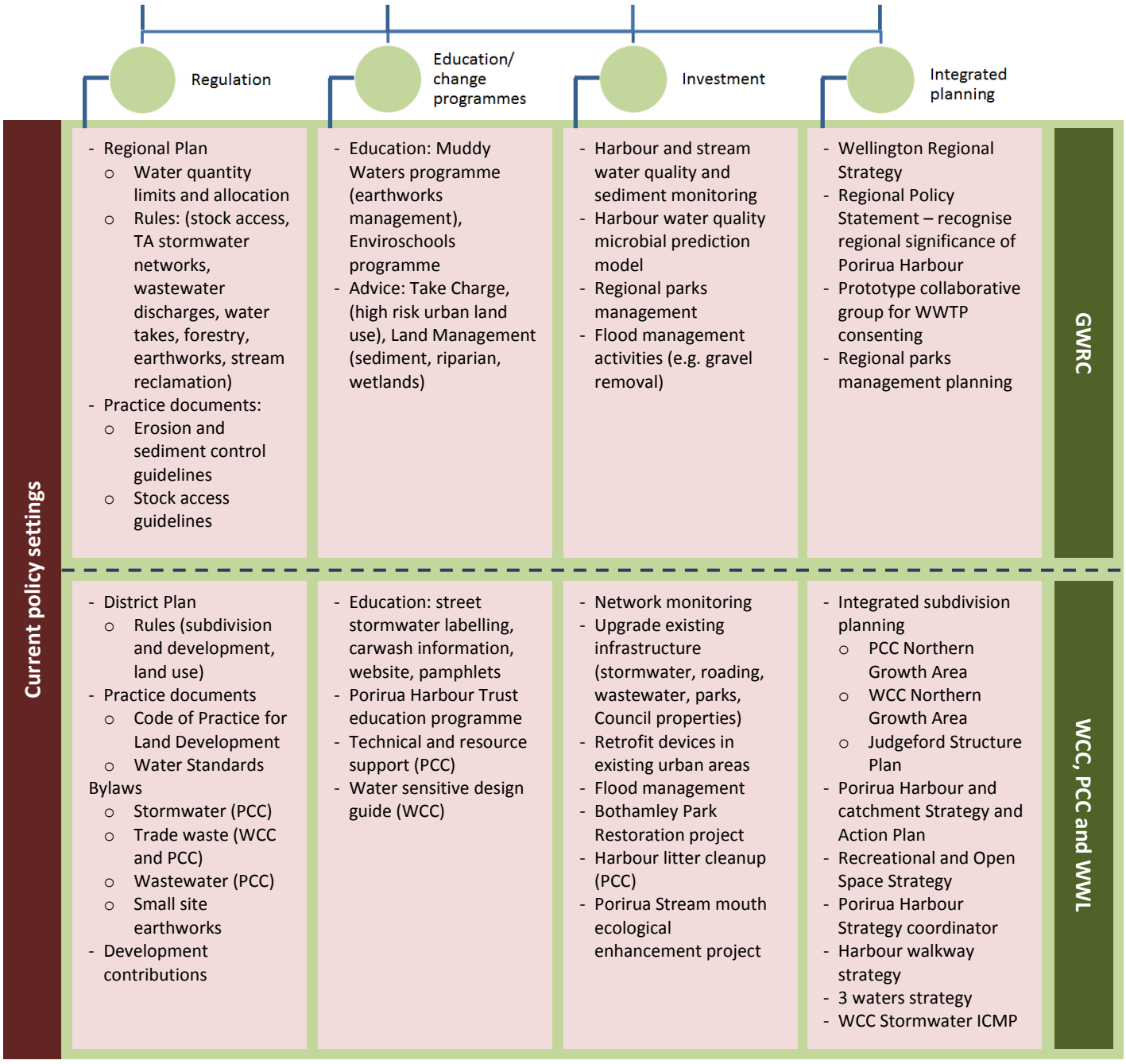

Figure 4. Current settings of policy tools available

5.3. Material from the Working Group discussions

During the development of the scenario material by the Committee's working groups in 2016, the Urban Development and Stormwater and Wastewater Working Groups delved into some early analysis of the existing policy settings. This material was collected and has been reproduced in Appendix 3 for the whole Committee to re-visit or read for the first time.

5.4. Next steps

At the 25 May 2017 meeting, the Committee will explore the policy context for their decisions and the current policy tool settings. This exploration will begin to inform the direction of a draft policy package that the Committee will continue to develop over the subsequent meetings. This report forms a background document to all these discussions.

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Hayley Vujcich	**Date *23.05.2017***	***Alastair Smaill***	**Date**

Appendix 1 – Key terms relevant to the NPS-FM

The National Policy Statement for Freshwater Management (NPS-FM) includes concepts that are critical to the task of the Committee and which are therefore valuable to understand. The Committee must identify freshwater management units, freshwater objectives, limits and targets their WIP. Some key terms from the NPS-FM, and relevant to the task the NPS-FM sets, are explained briefly below.

Allocation

The amount of a resource use (e.g. sediment load that reaches water) assigned to a user or group of users. The total of all allocations within a freshwater management unit (FMU) will equal the limit for that FMU. While the NPS-FM requires that limits for freshwater objectives are set, it does not require that allocation of those limits is undertaken. Allocation is one tool within a policy package.

Freshwater management unit

In the NPS-FM, a freshwater management unit (FMU) is the *water body, multiple water bodies or any part of a water body determined … as the appropriate spatial scale for setting freshwater objectives and limits…*. In Te Awarua-o-Porirua, the Committee is using the term 'water management units' (WMUs) instead of FMU, recognising the role the Committee has in setting objectives for both fresh and coastal water, as well as the relationship between the water quality of coastal water bodies and the freshwater bodies that connect to them.

Freshwater objective

Under the NPS-FM, a freshwater objective describes *an intended environmental outcome* in a freshwater management unit. This objective will describe the state the waterbody must be maintained at or improved to.

Limit

Under the NPS-FM, a limit is the *maximum amount of resource use available, which allows a freshwater objective to be met*. Limits must apply to an identified space and have an identified time period in which they are expressed. Examples of limits are:

- The total annual load of N contributed to a catchment over a year
- The maximum in-stream E. coli concentration at a specified location
- The total amount of water available to abstract from a hydrological unit over a year

Minimum flow

The minimum flow is the flow of a river or stream at which the taking of water is restricted (or required to cease). A minimum flow is a type of limit. Like any other limit, a minimum flow may be established to allow for any type of objective to be met, be it ecological, cultural, amenity, recreational, landscape or natural character. The minimum flow is sometimes called the 'hands off' flow because it triggers a management response. The flow of a stream can drop below the minimum flow as dry conditions continue to reduce rainfall and base flow, even after all abstraction has stopped.

Over-allocation

The NPS-FM defines over-allocation as the state where a *resource has been allocated to users beyond a limit, or is being used to a point where a freshwater objective is no longer being met*. The NPS-FM requires that over-allocation is avoided and that where over-allocation has occurred, it is improved.

Appendix 2 – High level objectives

Restore ecological health and water quality	Improve water quality for human health	Sustainable urban development	Sustainable rural land use	Te mana o Te Awarua-o-Porirua
Reduce sedimentation rates Reduce pollutant inputs: - reduce toxicant inputs - cap nutrient inputs Restore habitats: - estuary re-vegetation - riparian and habitat enhancement Reduce impacts from altered hydrology	Achieve water quality suitable for swimming: - reduce fecal inputs Improve access Improve amenity	Achieve sustainable urban development: - maintain and improving water quality - provide housing stock and built environment that meets the communities needs Provide sustainable and resilient water infrastructure	Achieve sustainable land management and land use practice	Provide for Māori use including mahinga kai Restore the mana of Te Awarua-o-Porirua

Appendix 3 – Working group material on issues and opportunities of current policy settings

Stormwater and Wastewater Working Group[7]

Theme	Issue
Planning	Current Regional Policy Statement policy provides direction on stormwater management but not enough to drive change
	Lack of coordination between the TAs and regional council and implementation of the RMA, LGA and LTMA goals. This needs to be better linked for an integrated approach to water management and to create policy linkages through the WIP
	Lack of integrated planning at both investigation and inspection levels
	Lack of integrated coordination between stormwater management and flood management across the catchment.
Technical knowledge/norms	Little familiarity or experience with water sensitive design amongst planners, developers, consultants and council staff
	Poor execution of WSD devices to date, discouraging ongoing use
	No stormwater consents for any discharges, therefore little management of stormwater for quality outcomes
	Traditional/conventional focus is on asset management and hard infrastructure.
	Lack of good data on runoff from different land use types
	Quality of building inspection tends to be poor regionally and outside of role of WWL
Existing infrastructure	Piped wastewater network at capacity leading to surcharging and overflows in wet weather
	Treatment plant design capacity challenged. Some planned upgrades, but is it enough?
	Sludge dewatering causes issues for disposal at landfill, but also landfill capacity constrains plant operation
	Significant infiltration and inflow/cross connection between stormwater and wastewater systems, particularly in eastern suburbs
	Dry weather monitoring of streams indicates 5 known problem areas (exceeding 1000cfu) of the 9 sites currently monitored by Wellington Water
Land use inputs	Many different land use activities create contaminants that reach streams and the harbour and often go untreated with the exception of some gross contaminants (litter)
	Lack of public awareness between stormwater and the harbour, and link between the activities they undertake contaminants reaching water
	Only small numbers of stormwater inlets in PCC area have means to remove litter.
Risks	Stormwater flooding issues in catchment
	No stormwater consents for any discharges, therefore little management of stormwater

[7] From ENPL-6-827

Theme	Issue
	for quality outcomes
	No wastewater consents for wet weather network discharges, discharges historically not monitored and understanding still developing
	Big growth trajectories – expected 8000 new homes in catchment
	Climate change impacts: - Stormwater quality - Overflow frequency - Harbour edge
	Ohariu fault poses high seismic and asset damage risk

Opportunities

Theme	Opportunity
Stormwater	Stormwater attenuation methods, including role in flood mitigation
	Better liaison with GWRC Flood Protection, meaning stormwater and stream flooding can be managed in a more integrated way
Wastewater	Pressure operated wastewater assets for better management of capacity
	Wastewater storage options during wet weather possible?
Both	Keep issues in front of the community
	Asset maintenance that recognises future opportunities
	Asset planning to be resilient to major weather or seismic events
	Align limited funding for SW/WW upgrades with growth plans

Urban Development Working Group[8]

Theme	Issue
Impacts on water	Changes in hydrology from increased imperviousness and stormwater discharges impact ecological health and affecting flooding of people and property
	Increased levels of contaminants reaching water from urban land use activities, including zinc, copper, hydrocarbons, nutrients and temperature. Nitrogen inputs can have both toxic and eutrophic effects
	Loss of streams through piping and reclamation, particularly in greenfield development
Planning	Infrastructure capacity (both network and treatment plant) constraint, particularly on development on fringes of current urban area
	Lack of coordination between the TAs and regional council and implementation of the RMA, LGA and LTMA goals
	Current Regional Policy Statement policy provides direction on stormwater management but not enough to drive change
	Two different TA planning contexts, means many differences in where costs lie, requirements and expectations of acceptable practice.
	Insufficient consideration of water management at multiple planning stages, including at master planning stage of new development
Technical knowledge/norms	Little familiarity or experience with water sensitive design amongst planners, developers, consultants and council staff
	Poor execution of WSD devices to date, discouraging ongoing use and meaning asset managers bear costs of poor implementation
Implementation	Poor compliance checking of new builds to ensure no illegal cross connections and that consents requirements are met
Resolving multiple goals	Twin drivers of ensuring development/housing growth and water quality are unresolved in planning processes
	Balancing values (e.g. costs to developers vs public good values of water) during development can be difficult – e.g. reclaiming streams vs leaving unpiped
	Costs of new development are typically externalised
Information for decision making	Lack of locally calibrated data relating to contaminant loads, hydrology and temperature fluctuations
	Lack of agreed and robust contaminant load modelling method
	Historical issues with New Zealand (Auckland) modelling and sizing of stormwater treatment elements
	Lack of understanding of typically non-monetised benefits and costs of better stormwater treatment
Risks and context	Consider changes in generational thinking and increasing demand for environmentally sensitive housing
	Climate change, including adverse impacts on streams (quantity and quality) and flooding

[8] From ENPL-6-859

Theme	Issue
	due to increasing impervious surfaces contributing more and faster runoff
	Uncertainty around how much buy-in from those who'll do the implementing
	Limited New Zealand experience with integrated water management

Opportunities
Review of land development/infrastructure regional standards for water services across the TAs in the region is underway. Regional standards ("how to design") are linked to regional specifications on "how to build" under best practice.
Provide certainty of what is required in design/implementation of best practice and integrate this into planning
Development new norms around what is acceptable development
Finding ways to be bold about making change
Coordination of stream/floodplain management with stormwater flooding management (includes modelling and information provision)
Consider all impervious surfaces, not just house area e.g. concreted sections