

**Waikato Regional Council**

Waikato Regional Plan  
Policy Effectiveness Review

July 2011



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# 1. Introduction

## 1.1 Purpose

Waikato Regional Council (WRC) has commissioned GHD Limited to undertake a review of the effectiveness of the current Waikato Regional Plan (WRP) and Waikato Coastal Plan (WCP) at achieving the goals of the Council. This report has been developed for the Policy and Transport Group.

The WRP and WCP are planning documents required under the Resource Management Act (RMA) 1991 and the legislation requires councils to review these plans every ten years from the date that they become operative. In the case of WRC, the WCP became operative in 2005 and WRP in 2007 and a full review of each plan therefore needs to commence by 2015 and 2017 respectively. However, the recent change in Government has led to a number of changes in the national policy direction with more direct intervention in resource management issues through National Policy Statements (NPS) and National Environmental Standards (NES). In addition, WRC has recently produced its second generation RPS which signals a change of direction or role for WRC in a number of different areas.

It is also recognised by staff of WRC that although the plans became operative less than ten years ago, many sections of the plans are actually significantly older than this. The length of time that it takes to go through the plan development process means that in many cases, the actual provisions set out in the plan were originally written more than 15 years ago. WRC has therefore undertaken this policy effectiveness review to better understand the drivers for a plan review to identify the most urgent issues to be addressed.

This initial policy effectiveness review looks at the operative WRP and WCP and assesses whether the existing plans are effectively achieving the desired outcomes, whether there have been significant changes in policy direction that require changes to the regulatory framework and whether there are gaps in the plan relating to new or emerging issues in the region. It is a high level assessment that is intended to establish the overall scope of changes required to the plan and propose priorities for future work.

## 1.2 Methodology

The policy effectiveness review was carried out in three stages which are described below:

- **Stage 1** involved an initial desktop review of the key issues including:
  - Reviewing the current plan provisions and policy direction
  - Assessment of changes in government policy (including NES and NPS)
  - Assessment of changes in regional policy (including the proposed Regional Policy Statement (RPS) and WRC Strategic Direction)
  - Highlighting any emerging trends and developments influencing the region
  - Identifying existing initiatives currently underway to address some of these changes including any plan variations and scoping studies
  - An initial assessment of the scope of changes to the plan required
- **Stage 2** involved facilitating a series of workshops to draw on the experience and knowledge of WRC staff. This stage involved:

- Production of short workshop notes summarising the key findings of stage 1 to inform the discussions in workshops
- Workshops held with key members of WRC staff to discuss the effectiveness of the plan and ability to meet national and regional policy objectives, covering the following topics (as agreed with WRC staff during stage 1):
  - General approach
  - Land, water and soil strategic direction
  - Land, water and soil technical discussion
  - Coastal
  - Biodiversity
  - Heritage and landscapes
  - Geothermal
  - Air
  - Natural hazards
- **Stage 3** involved reporting back on the findings of the review including:
  - Summaries of workshop discussions
  - Reporting on findings including:
    - Summary of effectiveness of the existing plans in terms of both useability and achievement of objectives
    - Summary of policy drivers (national, regional, environmental, political) and emerging trends and issues that will influence what changes may need to be made to the plans
    - Actions that need to be undertaken by WRC to address deficiencies in the plan and align with changes in policy direction
    - Assessment of priority for actions (incorporating legislative, environmental or political priorities)
    - Indication of the scope of work required to make the necessary changes to provide input to the Long Term Plan (LTP) process
    - Recommendations for overall plan review process

### 1.3 Report Limitations

It is important to note that this review is an initial high level policy effectiveness review and not a full review of the WRP and WCP. It does not make recommendations on the changes to be made to the plans but highlights the likely scope and nature of any changes and identifies future actions to take forward the plan review process. It is a high level assessment that is intended to provide some guidance on the immediate priorities, extent of work required and overall process for completing the plan review.

Although this report comments on the effectiveness of the current plans in terms of how well they are achieving environmental, social, cultural and economic outcomes, it is not a technical assessment of policy effectiveness and does not use monitoring data and environmental assessments to establish whether environmental results are being achieved. This detailed level of assessment would be part of the next stage of the plan review process.

The recommendations in the report are intended to give an indication of what is required moving forward to allow the policy team to recommend an approach for the review and allow Council to make informed decisions. It does not include a detailed assessment of the likely costs to undertake the review activities recommended. It is therefore important to note the following limitations:

- This review is based purely on workshops carried out with WRC staff regarding particular aspects of the plan and therefore only reflects the discussions that were held in respective workshops
- No stakeholder engagement has taken place at this stage to determine areas that are seen as a priority to particular groups
- The contents of this report have not been reviewed in terms of the legality of particular activities recommended with respect to the role and responsibilities of WRC under relevant legislation (such as the Local Government Act (LGA) or Resource Management Act (RMA))
- Final recommendations in the report are that of GHD as a result of information received through the project and not necessarily reflective of the opinions of WRC staff

#### **1.4 Internal Documents Reviewed**

Throughout the course of the review, a number of documents have been recommended that are relevant to this study. These include:

- Effectiveness of Permitted Activity Rules in the Waikato Region – Brendan Morris Consulting Limited – August 2009
- Performance audit on management of freshwater quality: Interim findings discussion document for Waikato Regional Council – Controller and Auditor General – May 2011
- Appendix 1 to Decisions Report for the Proposed Waikato Regional Plan – October 2001
- Frequently Asked Questions about Regional Plans and Policy – WRC Policy Team Internal Document
- The Case for and against the Inclusion of Financial Contributions (S32 Analysis) Memorandum – WRC Policy Team – August 1998
- Financial Contributions Issues and Options Memorandum – Karen Wagner – July 2008
- Policy Effectiveness Reports on Biodiversity, Natural Hazards and Energy and Structures
- Relevant Policy and Strategy Committee Minutes and Reports
- Examples of other Regional Plans
- Consolidated List of Complaints about Regional Plan – Bruce McAuliffe
- Consolidated List of Complaints about Coastal Plan – Amy Robinson

These documents have been reviewed and are referred to where appropriate throughout this report. This is not an exhaustive list of all documents that may be relevant to the plan review process and there are likely to be a number of additional documents that need to be reviewed in the next stage of the project.

## 2. Effectiveness Review

### 2.1 Introduction

The policy effectiveness review is structured in the same way as the workshops with an initial section on the general approach to reviewing the WRP and WCP and then the following sections addressing particular topics. The general approach section is set out differently from the individual topic sections due to the different nature of the discussion. For each of the individual topics there is a summary of:

- The policy framework in relation to that topic
- Trends and emerging issues
- Current plan effectiveness
- Initiatives addressing this
- Actions, priority and level of significance

Each section uses relevant information from the workshops and documents that have been reviewed. The workshop notes provided to participants to guide discussions are included in Appendix A and full summaries of the discussions held in each of the workshops are included in Appendix B.

### 2.2 Principles of Policy Review

The policy effectiveness review was undertaken in line with good practice from a range of different sources. The following principles have been applied while undertaking this project:

- Where policies are assessed as not effective, it is important to try and deduce the reason for this
- There are a number of issues that can lead to policies not being effective which can relate to the policy itself, implementation of the policy (including lack of funding or resources), lack of supporting methods, the consenting process, enforcement issues or changes in the trends and pressures relating to resource use over time
- The report, where possible, identifies the difference between issues with the plan itself and other issues that are impacting on the policy effectiveness
- It is recognised that some plan provisions may have been effective at achieving the goals and objectives that they were intended to address at the time but as a result of increased availability of information or a greater understanding of environmental effects, this is no longer the case

Technical reviews of policy effectiveness require a benchmark against which to assess the plan, which in the case of regional plans is often the Environmental Results Anticipated (ERA). However, as this is not a technical review, the plans have not been assessed against a specific set of criteria.

### 2.3 General Approach

The first stage of the process was to look at the general approach to policy development taken by WRC and make recommendations on how the review should take place and the overall structure and content of the plans. This section concludes with a series of actions to be undertaken to confirm the overall approach to the plan review.

### 2.3.1 Plan Review Context

The current philosophy of central government with regards to resource management plans is to simplify the process to allow plans to be developed and reviewed more quickly than they have been in the past. Therefore there is a strong push towards streamlined plans that only contain the information necessary to meet the requirements of the legislation and do not include additional information that is optional. Central Government is now also taking a more active role in resource management issues at the national level with the release of several National Policy Statements (NPS) and National Environmental Standards (NES) which all local councils are required to give effect to.

At a regional level, WRC has recently agreed its strategic direction for 2010-13 which sets out the high level priorities for the Council during this period. The strategic priorities will be reflected in the priority status given to those activities required for the plan review with activities that are aligned to the overall strategic direction given a higher priority status. The three strategic priorities set out in the document are:

- Sustaining the values of land and water
- Not unnecessarily restricting regional development
- Incorporating co-governance principles

The proposed Regional Policy Statement (RPS) also signals the intent for WRC to provide a greater regional leadership role on a number of issues which will influence the activities required and the urgency given to these activities.

### 2.3.2 Regional Plan Principles

The workshop discussion highlighted a number of issues with the general approach taken in the current regional plan. Although none of the issues identified were considered to be causing significant problems affecting the effectiveness of the plan, they identified areas for improvement which should be considered as part of any plan review process.

Based on the discussions regarding the general approach to the plan, it is recommended that the following principles are used when reviewing the plan.

- **Less permissive approach** – the plan currently takes an enabling approach to activities (though some submitters on the operative plan would disagree with this statement), only requiring consents for activities where there is an anticipated adverse effect on the environment. However, in a number of cases, adverse effects are being caused by permitted activities and it is therefore proposed that the plan should take a more conservative approach in these areas (for example, the rules around stock in waterways). It is recognised that changing to a more restrictive plan has resourcing implications as more consents will be required. This does not alter the overall approach that activities with no more than minor effects on the environment should be permitted and that the plan should enable communities to provide for their wellbeing through use of resources where appropriate.

*Action: Review permitted activities to identify those created adverse environmental effects*

- **Rules based on activities rather than effects** – many of the issues that were raised regarding the rules in the plan were related to the way that rules are written. Rules in the plan generally discuss the activities that can be carried out in terms of the effects that these activities cause. For example the activity of discharging water into water is permitted provided that there is no adverse effect on water quality in the receiving water body. This is ambiguous and can lead to confusion due to the subjective nature of assessing the effects of the activity making the rules difficult to

interpret and enforce. This issue was addressed at the time that the plan was written and evidence presented in the decisions report on the plan recognised that there needs to be a balance between certainty for users and basing rules on effects<sup>1</sup>. It is proposed that the approach is changed so that rules and conditions focus more on the activities that must be carried out rather than effects to make it clear what is required in order to comply. This still allows activities to be classified based on their potential effects or risk to the environment, but would include rules written in a way that it is clear what activities are being controlled. This may include thresholds to distinguish between different classifications of activities. This will also help to determine compliance.

*Action: Review all rules so that conditions are based on activities required to comply rather than effects*

- **Continued use of permitted activities** – it is recognised that rules are needed to allow activities where the effects are not significant, particularly given the wording of some sections (12-15) of the RMA which state that an activity can't be carried out unless expressly allowed by a rule in a plan. Permitted activities are therefore required so that all activities do not require a resource consent. Some permitted activities in the current plan are allowing adverse environmental effects to occur, demonstrating that in these cases the permitted activity rules are ineffective, and these should be revisited (see 'less permissive approach' above). This is highlighted in a report on six permitted activities which outlines some significant non-compliance and also highlights the difficulties in obtaining sufficient information to be able to assess compliance and link activities to effects<sup>2</sup>. The findings of this report are more relevant to other workstreams than to the plan itself but do have some implications for the way that permitted activities are used.

*Action: Continue to use permitted activities to allow use of resources where the effects are no more than minor*

- **Continued need for complementary non-regulatory methods** – it was recognised that regulation by itself is unlikely to achieve the desired outcomes and other methods (including education and incentives) are required in addition to plan rules. It is therefore recommended that non-regulatory methods are developed in conjunction with the regulatory framework. It is also important that non-regulatory methods are linked to funding streams. The recent report from the Office of the Auditor General found little evidence that the existing non-regulatory methods have been successful which indicates a need to reassess these methods. These methods also need to be able to be reviewed in terms of effectiveness alongside plan provisions and consenting and compliance process as they contribute to the overall outcomes. However, although it was recognised that non-regulatory methods are essential, these may be included within the plan itself or may be addressed through other processes – this is discussed in more detail in section 2.3.3.

*Action: Develop non-regulatory methods to complement rules in the plan to achieve better environmental outcomes*

- **Use of financial contributions** – the use of financial contributions as a tool to achieve policy objectives was discussed and has previously been discounted by WRC. Investigations into the use of financial contributions concluded that, although there may be some value in imposing financial contributions, there are also associated problems such as potential for appeals to be lodged against financial contributions through consent processes possibly leading to more appeals<sup>3</sup>. It was also found that robust provisions would need to be included in the plan around the purpose of

<sup>1</sup> See Appendix 1 to the Decisions Report for the Proposed Waikato Regional Plan – October 2001

<sup>2</sup> Effectiveness of Permitted Activity Rules in the Waikato Region – August 2009

<sup>3</sup> Memorandum on The Case for and Against the Inclusion of Financial Contributions – August 1998



any contribution, the way in which the contribution is calculated and the circumstances in which they will be imposed which can be difficult to do effectively. Financial contributions are used by some regional councils such as Hawkes Bay and Horizons but there is limited evidence to suggest that this is effective. It is recommended that this is investigated further.

*Action: Review use of financial contributions by other regional councils and investigate appropriate uses for financial contributions to be included in the plan*

- **Write to the appropriate audience** – the plan is written primarily for practitioners to be able to assess what activities are allowed and make decisions on applications for consents and this approach should continue. Although the plan needs to be written in a way that is able to be understood by the widest audience possible, the most important thing is that the plan is legally robust and it is therefore recommended that this is the primary focus when writing provisions. The main exception to this may be permitted activity rules which need to be able to provide guidance to resource users on whether an activity is allowed and therefore should be written in a way that the general community can understand.

*Action: Ensure that changes to plan provisions made through the review processes are legally robust and enforceable (see section 2.3.4 for more detail)*

- **Addressing regional leadership role** – there are a number of areas where WRC is proposing to take a more active leadership and regional coordination role (for example addressing the built environment, biodiversity, heritage, landscapes and natural hazards). Although this may not require implementation through regulatory methods in the regional plan it will require other activities to be carried out to fulfil this role. It is considered that it is not necessary to clarify the role of WRC in the plan as this is already achieved through the RPS which has a higher weighting as District and City Councils (otherwise known as Territorial Authorities (TAs)) must give effect to it.

*Action: No changes are required to the WRP to address the role of WRC*

### 2.3.3 Plan Structure and Inclusions

The way that the WRP and WCP are structured, including the content of the plans, was discussed in the workshop.

#### ***Inclusions***

In light of the government direction towards more streamlined and simplified plans, discussion was had regarding what should be included in the plan and which elements are not considered necessary.

The following recommendations emerged from this discussion:

- The plan should be restricted to only include the core elements as described in the RMA – objectives policies and rules, as a starting point.
- Optional elements including issues, non-regulatory methods, explanations and reasons are not required.
- There is some value in the inclusion of ERAs as these can be used as the basis for reviewing the effectiveness of policies. However, inclusion of ERAs within the RPS may be sufficient.
- Additional items that it was proposed would be useful to include would be information requirements for resource consents and assessment criteria to allow for consistency in the way that consents are processed. This is an important consideration and it is recommended that these aspects remain within the plan.

- Non-regulatory methods need to be developed alongside rules, as stated in the principles, but there were differences of opinion as to whether these should be included within the plan itself. There are a number of options including developing a separate chapter in the plan for non-regulatory methods or including these in an alternative document – suggestions included the Regional Policy Statement (RPS), Section 32 analysis, guidance documents, LTP and Annual Plan or a bespoke document.
- It was recommended that a User Guide for the plan could fulfil some of the functions previously covered within the plan such as explanations and reasons. A document was developed previously setting out answers to frequently asked questions about the regional plan and although this was not pursued and the usefulness of this has not been tested, the option of developing something similar should be considered further<sup>4</sup>. This could be a means of addressing some of the issues discussed in this report that are largely due to interpretation or implementation rather than the actual plan provisions.

In order for a streamlined plan to be successful it will require good cross referencing with other relevant documents and throughout the plan.

*Action: Before any plan review activities are undertaken, WRC needs to agree on what should be included in the plan so that any new plan changes are more streamlined in line with national expectations*

### **Structure**

There are a number of different ways in which a regional plan could be structured. Quality Planning<sup>5</sup> suggests that there are six main approaches used:

- Area based plans
- Topic based plans (eg. land and water plan, air plan, soil plan etc)
- Self-contained zone plans
- Activity based plans
- Effects based plans
- Hybrid plans

The current plan is structured around resources but is actually a cross between an activity based and an effects based plan. It is proposed that a hybrid plan is probably the most effective approach to take using a combination of area based, topic based and activity based provisions but moving away from the effects based conditions that are regularly used in the existing plan (as discussed in section 2.3.2). This may mean a change to the plan structure as the modules are currently grouped under resources with rules about activities that may have an effect on those resources.

The structure of the plan should be based on obtaining the best outcomes as well as practicality and useability of the plan. The WRP and WCP are structured differently with the WCP separating out the issues, objectives and policies from the rules so that the rules are self-contained, where as in the WRP the issues, objectives, policies and rules are kept together for each issue.

The structure of the plan should consider that the way the plan is used may be different to the way that it is drafted. Drafting often takes a top-down approach starting with the issues, then objectives

<sup>4</sup> Frequently Asked Questions about Regional Plans and Policy

<sup>5</sup> [www.qualityplanning.org.nz](http://www.qualityplanning.org.nz) – the Ministry for the Environment planning resource website

and policies and finally the rules. However, in practice, when using the plan, practitioners generally take a bottom-up approach starting with the rules and then moving to the policies and objectives later.

It is recommended that for ease of use, and to avoid duplication between sections, the objectives and policies are separated from the rules in the plan. This allows the objectives and policies to cut across a number of areas within the plan. It also means that consent applicants are more likely to consider all relevant objectives and policies rather than just those in the chapter with the relevant rule. This may reduce the likelihood of relevant objectives and policies being overlooked. This can also make the rules in the plan clearer by using tables such as those in the Horizons One Plan or the Hawkes Bay Regional Resource Management Plan.

*Action: Before any plan review activities are undertaken, WRC needs to agree on the structure of the plan including the overall approach and the contents of each chapter*

### **Combined Regional and Coastal Plan**

In the majority of cases, the first generation of RMA plans produced by regional councils included separate coastal plans as these were required first. However, there has been a general move by regional councils to combine previously separate plans, including regional and coastal plans, plans based on specific topics (such as air, water etc) and even Regional Policy Statements and regional plans. It was therefore discussed whether a combined plan would be appropriate for WRC.

The advantages to a combined plan are:

- Greater consistency and less duplication of relevant policies and objectives
- Allows better integrated management of the coastal environment which includes both the Coastal Marine Area (CMA) which would fall under the provisions of the coastal plan, and land outside the CMA which would fall under the provisions of the regional plan
- Ensures that all relevant plan provisions are assessed when processing applications which can sometimes be overlooked with separate plans – for example if an application is assessed under the regional plan but has the potential to have an effect on the coastal area then coastal objectives and policies may apply but not be considered

However, in combining the plans, there are also some potential issues that may arise:

- Consideration needs to be given to the different processes of approval that must be adhered to. The plan provisions relating to the CMA must be approved by the Minister for Conservation, so these areas need to be easily distinguishable to avoid having to get approval from the Minister for the whole plan.
- The plan may become large and unwieldy which may make it more difficult to use. This may not be a significant issue if the content of the plans is streamlined as set out in the 'inclusions' section.
- There are potential resourcing implications in combining the plan when it is time for the review as the whole plan will need to be reviewed at the same time. With separate plans, the reviews can be spread out more.

Other regional councils have successfully integrated the two plans such as the Horizons One Plan which combines the Regional Plan and Coastal Plan with a specific chapter relating to activities in the Coastal Marine Area (CMA). It is recommended that WRC investigate this further but it is considered that the benefits of a combined plan would be greater than the potential issues.

*Action: WRC should consider the advantages and potential implications of combining the WRP and WCP including analysis of the costs and benefits*

### 2.3.4 Plan Development Process

The issue of the effectiveness of the plan development process was also raised during the workshop and the way in which the plan is developed can be fundamental to the overall effectiveness of the plan. The discussion highlighted a number of recommendations to improve the plan development process which should be considered for the plan review. These are:

- Inclusion of policy, compliance, consents and science representatives in the process to ensure the best outcomes.
- Allowing sufficient timeframes to complete plan review – given availability of resources, this could suggest a rolling plan review dealing with the highest priority issues first rather than reviewing the whole plan at once.
- Re-assessing the approach to negotiating with submitters rather than arguing the case for provisions in court – the desire to negotiate and reach agreement with submitters can have a detrimental impact on plan provisions so that they no longer achieve the desired results. It needs to be decided which areas can be negotiated and which can't.
- The plan review should be carried out alongside a review of consenting practices, monitoring and data capture activities and implementation of non-regulatory methods. This means that all of the potential causes of ineffectiveness can be addressed.
- It is not clear yet how the requirement for iwi involvement in plan development will be fulfilled and what this may mean to the process. This needs to be determined as early as possible to make sure that it does not slow down or impact on the effectiveness of the process.
- The plan needs to be developed in a way that allows for its implementation and review. This may include developing an implementation plan for any review activities which should address resourcing, timelines and budget requirements to feed into council planning activities. The plan also needs to include indicators against which effectiveness can be measured – these may be ERAs, objectives or other measures.

*Action: Undertake the plan review activities in line with the recommendations above to improve the likely effectiveness of the plan in the long term*

### 2.3.5 Conclusion and Actions

A number of topics have been discussed in this section of the report relating to the general approach used in the plan and how this could be changed to improve the overall effectiveness. The issues discussed include what the plan should contain, how provisions should be written and the tools and methods that should be used to achieve WRC goals. Overall, the findings suggest that although there are a number of improvements that could be made to the plan, the way in which the plan is written at present is not causing significant issues that need to be addressed urgently. Rather, the recommendations made in this section provide advice on good practice that should be used as and when any plan review activities occur and do not require immediate action to address existing deficiencies in the plan.

The table on the following page summarises those actions that need to be carried out to address the issues raised regarding the general approach to the plan. The actions table contains the following:

- The **action** required
- The **reason** the action is required – this may be to improve the usability of the plan, to achieve better outcomes or to define the overall process



- Whether the action has **dependencies** – some of the actions need to be carried out before others can be undertaken as they establish the overall approach to be used and these are identified in the dependencies column
- An assessment of the **urgency** of the action in terms of the severity of the problem being addressed – the actions are categorised into those that require an immediate, short term or long term response
- An estimate of the **amount of work** required to undertake each action – red means a significant amount of work, amber means some work is required and green means that little work is required to implement the action.

### 2.3.6 Actions

ID	Task	Reason	Dependencies	Urgency	Amount of Work
1	Review of permitted activities (PA) including: <ul style="list-style-type: none"> <li>Those highlighted throughout as problematic</li> <li>All PA rules for clarity and changes to conditions</li> <li>PA rules determined to be ineffective in 2009 assessment</li> </ul>	Outcomes / useability		Immediate	Red
2	Investigate use of financial contributions	Outcomes		Long term	Green
3	Confirm plan structure and inclusions based on report recommendations including: <ul style="list-style-type: none"> <li>Type of plan (eg area based, activity based)</li> <li>Content of plan</li> </ul>	Useability	✓	Short term	Green
4	Investigate usefulness of a plan user guide	Useability		Long term	Amber
5	Define process for iwi involvement in plan development	Process	✓	Long term	Red
6	Confirm approach to combining regional and coastal plan based on report recommendations	Useability / outcomes	✓	Short term	Green
7	Agree plan development process based on report recommendations	Outcomes	✓	Short term	Green
8	Agree indicators to be included for monitoring and plan review purposes	Process	✓	Short term	Amber
9	Develop project plan for plan review	Process	✓	N/A <sup>6</sup>	Red
10	Make general amendments suggested: <ul style="list-style-type: none"> <li>Update references</li> <li>Review folder of amendments suggested by staff for WRP and WCP</li> </ul>	Process		Long term	Amber
11	Review all rules based on changes to general rules writing principles	Useability		Short term	Red
12	Develop a plan monitoring strategy including outlining information requirements for monitoring policy effectiveness	Process		Long term	Red
13	Develop an Implementation Plan to accompany the Regional Plan	Process		Long term	Red
14	Development of non-regulatory methods and agree where these should sit	Outcomes		Short term	Amber

<sup>6</sup> This task is needed to undertake the plan review but is not required to address any current deficiency in the plan and therefore there is no urgency associated with it

## 2.4 Topic Areas

The following sections contain summaries of the findings relating to each topic area discussed during the workshops. Each summary section contains the following elements:

- **Policy Framework** – outlines what the current policy framework is trying to achieve at the national and regional level and whether this is significantly different from the previous policy direction being pursued in the operative plan. This also discusses the political importance of the policy direction.
- **Trends and Emerging Issues** – summarises the recent trends in resource use and activities and the emerging environmental issues that need to be addressed as a result. This includes new uses for resources that were not considered at the time of drafting the operative plan and changes in environmental practices as a result of increased information and knowledge.
- **Policy Effectiveness** – looks at the effectiveness of the current policies in terms of both the alignment with the current policy framework and the ability to address emerging trends and issues. This highlights areas where the provisions in the existing plan need to be revised in order to achieve desired outcomes, gaps in the plan where a particular issue is not addressed and issues with particular provisions that need to be changed for ease of use or enforceability. In line with the principles of this review, where possible the reasons for current policy ineffectiveness are highlighted, including:
  - Plan provisions
  - Interpretation
  - Implementation
  - Non-compliance
  - Changes in activities not anticipated
- **Initiatives** – this section highlights any existing work that is currently being carried out by WRC to address any of the issues raised in the review. In a number of cases, the Council has already recognised the deficiencies in a particular area and implemented a programme of works to address these. In addition, some activities are being carried out as part of the RPS implementation that will have implications for the plan review. These are highlighted here.
- **Actions** – the table sets out the actions that need to be carried out to address the issues raised. The table lists all of the actions raised, even though some of them do not directly relate to the plan review. For example, some of the actions may be about addressing inconsistencies in the consenting process. However, in line with the principles for this review, it is important that these actions are captured and pursued as they have an impact on the overall policy effectiveness.

The actions are recommendations to WRC based on the outcomes of this policy effectiveness review process and it is anticipated that this will be used as the basis for recommendations to Council on required work programmes. In order to help the decision making process, each action also has the following:

- *Reason* – outlines why the action is needed. For example an action may be required to improve the useability of the plan, achieve desired outcomes, meet legislative requirements or to address issues with processes
- *Workstream* – identifies whether the action is part of the plan review process or a different workstream such as RPS implementation, consent process review or compliance and enforcement activities. Those activities directly related to the plan review are shown first

- *Dependencies* – identifies tasks that need to be carried out prior to other tasks being undertaken. Although these tasks may not be urgent themselves, they may need to be completed sooner than the urgency rating would suggest in order to allow other tasks to be completed on time
- *Urgency* – makes an assessment of how urgent the action is based on the potential implications and severity of the problem. The urgency is assessed in terms of how quickly actions need to be taken with immediate, short term (in the next 2-3 years) and long term (3 years plus) timeframes
- *Amount of Work* – makes an initial assessment of the amount of resource (in terms of time or cost) to complete the action to give an indication of the level of difficulty (based on colour coded system with red being a significant amount of work required, amber being some work required and green suggesting very little work required to action)



## 2.4.1 Land, Water and Soil

Policy Framework	Plan Effectiveness
<ul style="list-style-type: none"> <li>• There have been a number of policy updates since the original plan was written, the most significant being:               <ul style="list-style-type: none"> <li>– NPS Freshwater</li> <li>– NPS Renewable Energy</li> <li>– Regional Policy Statement</li> <li>– NES Contaminants in Soils, Sources of Human Drinking Water, Ecological Flows and Water Levels</li> </ul> </li> <li>• RPS demonstrates business as usual is not working and there is continuing degradation of land and water resources. It aims to protect the health of water bodies and restore and enhance the values while enabling communities to provide for their wellbeing, manage allocation and enhance riparian areas. This requires:               <ul style="list-style-type: none"> <li>– Stronger focus on riparian management</li> <li>– Quality standards set for all water bodies</li> <li>– Identifying high value water bodies</li> <li>– Focused catchment based response</li> <li>– Stronger regulation for diffuse sources</li> </ul> </li> <li>• RPS also seeks to maintain and enhance the values of soil and protect areas of high class soil</li> <li>• NPS Freshwater released in 2011 must be implemented by WRC either by 2014 or through a staged process to 2030 (though there are some immediate implications from 1<sup>st</sup> July 2011). It requires:               <ul style="list-style-type: none"> <li>– Setting objectives, limits and targets for freshwater bodies, starting from the perspective of the receiving water body</li> <li>– Managing water takes to avoid over-allocation and protect wetlands</li> <li>– Encouraging efficient use of water to achieve best value</li> </ul> </li> <li>• NES Contaminants in Soils sets standards for soil contamination levels (though doesn't cover cadmium) and requires contaminated land to be identified prior to development</li> <li>• NES Sources of Human Drinking Water requires discharges that will make drinking water unsafe to be declined and monitoring of permitted activities</li> <li>• NES Ecological Flows and Water Levels requires water levels to be managed to provide for the ecological function of flora and fauna – this may be superseded by the NPS Freshwater</li> <li>• NPS Renewable Energy has potential impacts around irrigation, electricity generation and damming and diverting of water and discusses off-stream and in-stream water storage</li> </ul>	<ul style="list-style-type: none"> <li>• Water management classification system – outlines characteristics of water bodies and their values and sets standards for flow levels in water bodies. Although targets are set, mechanisms for achieving them don't go far enough as the plan only requires applicants to 'have regard to' them. Policy framework needs to be addressed to give more weighting to them.</li> <li>• Water quality – changes will need to be made to the plan to implement the NPS Freshwater. This will need to include a robust policy framework to discourage the idea of pollute up to levels.</li> <li>• Variation 5 is a good example of plan provisions that are more in line with the future direction set out in the NPS. It sets an absolute limit for nitrogen (seeking to retain current quality level) and translates this to property level.</li> <li>• Drinking water – currently addressed through protection zones identified in the plan and this is generally sufficient.</li> <li>• Stormwater – current approach is ad hoc and managed through consent process but needs to be moved to catchment based approach. Stormwater issues generally focused on water quality effects not biophysical which need to be considered.</li> <li>• On-site sewage – rules work reasonably well but could improve maintenance and inspection regimes particularly in high risk areas</li> <li>• Earthworks – permitted activities need revisiting, in particular the limits which are based on the scale of earthworks and not the potential risk – there may also be some issues with implementation of these rules. Also need stronger rules on water quality impacts arising from erosion though this may be a wider land use change issue</li> <li>• Wetland drainage –this is a major issue and current rules are difficult to enforce as they require knowledge about wetland levels which are unknown</li> <li>• Structures –some limits on structures (including size, catchment size etc) need to be revised. A question was raised about the ongoing need for consents for permanent structures and whether renewal of consents should be a permitted activity</li> <li>• Point source discharges – currently strong rules but some implemented issues that should be addressed through consents (eg imposing appropriate conditions). Policy framework may need to be changed in future to address potential consequences of NPS Freshwater such as trade offs</li> <li>• Forestry – will need to be updated following the NES release</li> <li>• Agriculture – generally agreed to be the main problem for land, water and soil quality as main source of diffuse contaminants and needs to be addressed (confirmed in recent OAG report). Some current issues with PA rules including generally permissive approach, compliance, enforcement and interpretation issues, some rules need to be updated including stock in waterways and discharges of stock truck effluent and some gaps need to be addressed such as sacrifice paddocks and limits on stock.</li> <li>• Potential gaps in the plan include:               <ul style="list-style-type: none"> <li>– Water Storage – not addressed in the plan and need to be considered in line with NPS Freshwater</li> <li>– Water flows effects –land use change increasing surface water run off is not addressed explicitly</li> <li>– Cultivation – not explicitly addressed in the plan including carbon farming and keeping soil in situ</li> <li>– Waste tyres – becoming an increasing issue</li> <li>– Cemeteries – discharges to land and water not effectively covered</li> </ul> </li> </ul>

Trends and Emerging Issues	Initiatives
<ul style="list-style-type: none"> <li>• WRC Strategic Direction puts an increased emphasis on sustaining the values of land and water through:               <ul style="list-style-type: none"> <li>– Implementation of the RPS</li> <li>– Co-management with iwi</li> <li>– Setting environmental limits and targets for water quality</li> <li>– Establishing methods to achieve these targets</li> <li>– Recognising community needs, natural risks and economic and environmental sustainability</li> </ul> </li> <li>• Potential conflict in strategic direction between sustaining land and water values and facilitating regional development</li> <li>• Recognised by central Government and industry that dairying is one of the key influencers of environmental outcomes for land and water which is demonstrated through the Dairying and Clean Streams Accord. This recognises and seeks to minimise the effects of the dairying industry on the environment through restricting stock in waterways, treating effluent and managing fertiliser and nutrient use</li> <li>• Move towards co-management of the Waikato River with Waikato Tainui which is likely to be followed by similar arrangements with other iwi and may affect the way that catchments are managed</li> <li>• Increasing issues with demand for energy and mining are likely to affect land and water resources in the future</li> <li>• Non-point source discharges from agricultural activities are recognised as the most urgent issue causing the decline of freshwater quality in the region according to the recent report from the Office of the Auditor General</li> </ul>	<ul style="list-style-type: none"> <li>• Variation 6 on water allocation already deals with some of the requirements of the NPS setting environmental flows for surface water and rules for allocation based on priority</li> <li>• Water quality plan change has been agreed by Council to address agricultural impacts in the Waikato catchment and contribute to achievement of the vision and strategy. This was agreed by Policy and Strategy Committee to be taken forward by the newly formed Land and Water Sub-Committee at the latest meeting (9 June 2011)</li> <li>• Council has requested quality limits to be set for all water bodies in addition to the Waikato catchment though this project has not been formally agreed and the scope is not well defined</li> <li>• Sustainable Agriculture project is underway which addresses those non-statutory methods required to achieve better environmental outcomes from the agriculture industry. It also includes establishing a technical forum that will provide advice to inform any policy review</li> <li>• On-site sewage model developed to identify potential areas of risk from septic tanks</li> <li>• Project underway to identify Significant Natural Areas (SNAs) as part of RPS implementation</li> </ul>



**Actions**

ID	Task	Workstream	Reason	Dependencies	Urgency	Amount of Work
<b>Plan Review Activities</b>						
1	Review implications of NPS Freshwater looking at: <ul style="list-style-type: none"> <li>Impact on Variation 6</li> <li>Impact on overall plan</li> <li>Confirm what implementation of the NPS means (is this having policies in place or actually achieving the outcomes?)</li> </ul>	Plan Review	Legislation	✓	Immediate	Red
2	Review current water body classification system including updating maps with ground truthing, using updated modelling and checking connectivity between classes and setting standards for all classes (Waikato Surface Water Class is currently missing suspended sediments standards)	Plan Review	Useability		Short term	Amber
3	Set velocity/quantity guidelines (and possibly limits) for stormwater to include in the plan	Plan Review	Outcomes		Short term	Amber
4	Review results of on-site sewage risk assessments and establish any changes required to plan	Plan Review	Outcomes		Long term	Green
5	Review earthworks PA rules and culverts PA rules	Plan Review	Outcomes		Short term	Green
6	Revise drainage of wetlands rules	Plan Review	Outcomes		Immediate	Amber
7	Review structures rules	Plan Review	Outcomes		Short term	Green
8	Investigate potential discharge trading schemes and implications for consenting practices	Plan Review	Legislation	✓	Long term	Red
9	Agree plan for addressing agricultural issues including: <ul style="list-style-type: none"> <li>Scope of issues to be addressed (requiring agreement on what the key issues are)</li> <li>Define iwi involvement</li> <li>Approach including whether it will be staged by catchment, timeframes, involvement of communities and industry</li> </ul>	Plan Review	Outcomes	✓	Immediate	Red
10	Develop strategy for dealing with significant land use changes such as pine to pasture	Plan Review	Outcomes		Short term	Amber
11	Make specific changes to rules that have been suggested: <ul style="list-style-type: none"> <li>PA Dairy effluent (needs definition, storage areas to be sealed is unenforceable, separate 20m rule, clarification of application rate and nitrogen loading)</li> <li>PA Extraction of bed material (rules are contradictory)</li> <li>PA Earthworks (guidelines to be updated)</li> </ul>	Plan Review	Useability		Short term	Green
<b>Other Activities</b>						
12	Investigate consenting practices for farms and use of comprehensive consents for all activities	Review of consents and compliance process	Outcomes	✓	Immediate	Amber
13	Establish plan for addressing peat soils and high class soils	RPS Implementation	Outcomes		Immediate	Red
14	Consider implications of limiting scope of agricultural variation to Waikato catchment and agree approach with sub-committee	Existing Project	Outcomes	✓	Short term	Amber
15	Review management and implementation practices – earthworks, point source discharges, stormwater	Review of Consents and Compliance Process	Outcomes		Short term	Amber
16	Monitoring of stormwater in urban areas to identify significant/sensitive catchments	Monitoring	Outcomes	✓	Long term	Red
17	Produce guidelines for treatment of stormwater to replace use of Auckland guidelines	General Business	Process		Long term	Amber
18	Address water quality issues through Identifying different catchments, establishing values and setting limits and targets based on community values	RPS Implementation	Legislation		Short term	Red

## 2.4.2 Coastal

Policy Framework	Plan Effectiveness
<ul style="list-style-type: none"> <li>RPS discusses integrated management of the coastal environment including:               <ul style="list-style-type: none"> <li>Protection of features and values</li> <li>Avoiding conflict between uses and appropriate allocation of space</li> <li>Avoiding effects of climate change (including sea level rise and extreme weather events)</li> <li>Maintaining mauri and health of marine waters by classifying marine water types and setting quality standards</li> <li>Stronger provisions on natural character</li> <li>More direct role in managing land use in primary hazard zones which will include coastal areas</li> </ul> </li> <li>NZCPS released in 2010 sets overall policy direction for the coastal environment including:               <ul style="list-style-type: none"> <li>Protecting integrity and natural character and sustaining ecosystems and values</li> <li>Recognising the role of tangata whenua</li> <li>Managing coastal hazard risks</li> <li>Allowing use of the coastal environment</li> </ul> </li> <li>NZCPS will have some specific effects as it is more prescriptive than previous including:               <ul style="list-style-type: none"> <li>Distinguishing between outstanding natural features and landscapes and natural character</li> <li>Some wording changes to RPS</li> <li>Protecting surf breaks of national significance</li> <li>Identifying activities to control harmful aquatic organisms</li> </ul> </li> <li>NZCPS can give justification to stronger regulation in some areas such as coastal erosion structures and more clarity in some areas (eg mangrove removal)</li> <li>NPS Renewable Electricity aims to generate 90% of energy from renewable sources and enable development of these resources including wind, solar, hydro, geothermal, biomass, tidal, wave or ocean currents</li> </ul>	<ul style="list-style-type: none"> <li>Overall, there were considered to be more issues with the effectiveness of the WCP in general compared to the WRP – this is likely to be because it was the first plan produced and lessons were learned for the WRP</li> <li>Existing WCP only covers activities in the CMA such as structures, marine farming, foreshore and sea bed disturbances, natural hazards, public access and surface water activities to manage water quality, natural character, habitats and processes, air quality and noise</li> <li>WCP is based on precautionary approach if effects of activities are uncertain</li> <li>Limited information was available at the time that the existing plan was produced and more is now known. However, the state of the coastal environment is still not well known and requires investment in long term monitoring</li> <li>Difficult to prove cause and effect and currently have no ability to measure environmental effects in CMA due to lack of state of the environment monitoring so hard to enforce plan – needs more certainty over what is allowed and what isn't</li> <li>Because of the wording of RMA Section 12 activities must be expressly allowed in the plan so anything not mentioned requires a consent</li> <li>Policy framework in the coastal plan is currently too narrow focusing specifically on the CMA and not the coastal environment</li> <li>Some issues with use and interpretation of ASCV maps in the plan causing confusion – these can potentially be taken out of the plan</li> <li>Moorings – constant pressure for more and current rules, particularly outside designated mooring areas are not strong enough and applications for consents are difficult to decline – permitted baseline is anchored boats. Rules are too strict on moving moorings</li> <li>Coastal protection structures – have same rules as other structures but perceived differently by community – some problems with the type and location of structures with backstop walls used as a way round sea wall rules. Needs consideration of private property rights and public benefits</li> <li>Pest species – current rules are unnecessarily restrictive in terms of removal of pest species and could be managed using zones but not sure whether the science is available to do this effectively</li> <li>Water quality – lack of consistent water quality measures and poorly written rules (such as discharge rules)</li> <li>Sea level rise and severe weather conditions are addressed in conditions of consent and assessment criteria</li> <li>Marine energy – rules are in place to deal with this but missing policy framework</li> <li>Mining - there are rules for disturbance and extraction but some gaps including burning, noise, effects on marine life that are not caused by drilling and overall policy direction.</li> <li>Unlawful and abandoned structures not well addressed with ad hoc approach to requiring structures to be maintained – existing rules but not enforced unless they are an issue so could be addressed through implementation or permitted activity for indefinite occupation with relevant criteria</li> <li>Need clearer policy on vehicle access</li> <li>Stock exclusion rules need to be revised to improve clarity</li> <li>Potential gaps in plan include:               <ul style="list-style-type: none"> <li>Addressing hazards in the coastal environment – TAs can't address this due to existing use rights</li> <li>Coastal environment – current plan addresses CMA but not activities outside the CMA that have an effect on the CMA</li> <li>Natural character – does not directly address activities impacting on areas of outstanding natural character</li> <li>Cumulative effects – this is covered in the plan but not well used</li> <li>Biodiversity – current plan does not have rules to protect biodiversity in the coastal environment</li> </ul> </li> </ul>
<h3>Trends and Emerging Issues</h3>	
<ul style="list-style-type: none"> <li>Consideration of the coastal environment need to be integrated within the plan rather than reflecting the arbitrary line caused by the CMA recognising that land use intensification has an effect on coastal area – has implications for combined coastal and regional plan</li> <li>Central Government promoting enabling approach to aquaculture though information on effects is limited and also needs supporting infrastructure which is dependent on district councils</li> <li>Increasing demand for renewable energy and assumption is that this will focus on wind power on the west coast – currently missing policy framework around this</li> <li>Sea bed mining including drilling and excavation has the potential to increase</li> <li>Increasing need for more coastal protection structures</li> <li>Lack of information on marine water quality and assumption that dilution is sufficient</li> <li>Increasing conflict between uses requiring stronger guidance on what can happen where – marine based spatial planning</li> </ul>	
<h3>Initiatives</h3>	
<ul style="list-style-type: none"> <li>Coastal Occupation Charges Variation – being prepared as a legal requirement stating that no occupational charges will be levied</li> <li>Review of moorings being carried out currently</li> <li>Hauraki Gulf Marine Spatial Plan being progressed as a strategy at this stage and then plan with Auckland</li> <li>Marine Management Model for Firth of Thames to give more information on effects of aquaculture including critical parameters, salinity, temperature, gradient and nutrient changes</li> </ul>	



**Actions**

ID	Task	Reason	Workstream	Dependencies	Urgency	Amount of Work
<b>Plan Review Activities</b>						
1	Review the way that rules are written in coastal plan to address existing deficiencies	Outcomes	Plan Review		Short term	Red
2	Consider alternative format for coastal plan using a zoning approach taking into account new information available in line with report recommendations	Useability / outcomes	Plan Review	✓	Immediate	Red
3	Investigate removal of ASCV plans from WCP	Useability	Plan Review		Long term	Amber
4	Identify required changes to WCP as a result of NZCPS	Legislation	Plan Review		Short term	Amber
5	Review rules relating to the following (to address comments raised in workshops): <ul style="list-style-type: none"> <li>• Pest species</li> <li>• Coastal protection structures</li> <li>• Moorings</li> <li>• Vehicle access</li> <li>• Stock exclusion</li> <li>• Others suggested in consolidated list of staff amendments</li> </ul>	Outcomes / useability	Plan Review		Short term	Green
6	Develop new policy framework to address emerging coastal issues including marine energy and mining	Outcomes	Plan Review		Short term	Red
7	Review rules relating to mining including: <ul style="list-style-type: none"> <li>• Discharges to air from burning</li> <li>• Noise</li> <li>• Activities that impact on marine life but don't cause disturbance</li> </ul>	Outcomes	Plan Review		Short term	Amber
8	Address gaps in the plan identified in the table above	Outcomes	Plan Review		Long term	Red
9	Revisit use of occupation charging	Process	Plan Review		Long term	Green
<b>Other Activities</b>						
10	Address unlawful and abandoned structures	Outcomes	Plan Review and Review of Consent Process		Long term	Amber
11	Develop coastal environment monitoring strategy to improve level of information available which will provide more information about what the main issues are	Outcomes	Monitoring	✓	Immediate	Red
12	Investigate use of consents for aquaculture to get data and information and develop policies stating the importance of this	Outcomes	Review of Consent Process and Plan Review	✓	Short term	Green
13	Develop aquaculture strategy looking at values that need protection, constraints and location	Outcomes	RPS Implementation		Short term	Red

### 2.4.3 Biodiversity

Policy Framework	Plan Effectiveness
<ul style="list-style-type: none"> <li>RPS sets out a more active leadership role for WRC in managing biodiversity by enabling ecosystems and supporting biodiversity to function through:               <ul style="list-style-type: none"> <li>Managing effects of activities on biodiversity</li> <li>Maintaining and enhancing indigenous biodiversity</li> <li>Protecting significant areas</li> <li>Working collaboratively</li> <li>Recognising the values of the coastal environment</li> </ul> </li> <li>NPS Indigenous Biodiversity discusses the identification and management of indigenous biodiversity outside conservation areas using a list of criteria to identify areas as significant and requires maps to be included in plans</li> <li>NPS requires no net loss of biodiversity which encourages the use of offsets</li> <li>NES on plantation forestry means everything is permitted but WRC can impose more restrictive rules in terms of biodiversity</li> </ul>	<ul style="list-style-type: none"> <li>Regional plan does not currently address biodiversity explicitly though manages some aspects through other policies and methods (eg vegetation clearance for protection of water quality) – need to take a stronger approach to managing this is the plan to encourage others to do the same</li> <li>Vegetation clearance is a permitted activity which means that it is unknown how much vegetation clearance is happening – needs to address not just vegetation near water and address artificial watercourses</li> <li>Current gap around exclusion for plantation forestry</li> <li>Issues in general with loss of riparian vegetation which causes knock on effects in stream – major problem on farms and need stronger mitigation and planting requirements. Planting only has a biodiversity impact if it is significant enough – needs a staged process starting with protecting existing biodiversity, clearing pests and weeds and then planting and fencing</li> <li>Effects on terrestrial biodiversity as a result of earthworks are not well considered</li> <li>Need to be clear on vegetation clearance around drains as more stringent rules may cause compliance issues</li> <li>Drainage around wetlands is not currently managed well and difficult to know when changes in levels have occurred or prove that the location of the activity is hydrologically connected. Could also change provisions to address activities within 500m of a wetland rather than 200m as is currently the case or completely protect RAMSAR wetlands</li> <li>Missing vegetation rules around wetlands to address the issue of pest species and stock access to wetlands</li> <li>Some activities being carried out to manage hazard risk such as flood protection measures have an indirect impact on biodiversity and these are not being addressed – need a trigger to assess biodiversity effects and policy direction that enables consents to be turned down on this basis</li> <li>Current permissive regime in the plan can undermine other activities – eg allowing riparian vegetation clearance while encouraging riparian planting through the clean streams initiative</li> <li>Limited protection for aquatic invertebrates and fish (compared to birds and vegetation) – requires control of new barriers in water bodies. Assessments should start with natural watercourses and work from the headwaters to the end zone to prioritise areas for action</li> <li>Culverts not meeting PA requirements can have an impact on fish passage, as can hydro schemes indirectly – this is often an enforcement or consenting issue rather than plan provisions</li> <li>Coastal biodiversity provisions needs to be updated to reflect NPS and NZCPS and address stock exclusion from CMA and structures that impact on habitat migration</li> </ul>
Trends and Emerging Issues	Initiatives
<ul style="list-style-type: none"> <li>Trend is to consider biodiversity but actually it is important to recognise the distinction between biodiversity and ecosystem function – ecosystem function is getting lost. Only way to effectively manage biodiversity is through components of ecosystem function and this may mean protecting areas that aren't significant in terms of biodiversity but provide an important ecosystem function</li> <li>WRC role is changing – clear distinction in terms of management of biodiversity (TAs manage land use and WRC manage water and coastal) but WRC want to take a lead role in information gathering and monitoring and coordinating approaches</li> <li>Ecosystems services are free and people take them for granted – WRC role is to remind people of the interconnectedness and importance of these services – it is easier to link water based ecosystems than terrestrial ecosystems</li> <li>Often don't know the existing state with biodiversity though it is recognised that some ecosystem types are becoming endangered and biodiversity is reaching a tipping point where it may become irreversible</li> <li>Land use pressure in coastal areas is causing impact on biodiversity – sea level rise will create a need for habitat migration which may conflict with structures – also need to recognise the role that ecosystem services can play in protecting against hazard impacts</li> <li>Biggest issues are managing riparian planting and control of nutrient – if these can be solved it addresses a lot of aquatic biodiversity problems, but not terrestrial biodiversity</li> </ul>	<ul style="list-style-type: none"> <li>Some previous studies have been undertaken which are now out of date – Areas of Significant Indigenous Vegetation and Habitats of Indigenous Fauna which sets criteria based on operative RPS, and Restoring Waikato's Indigenous Biodiversity which looks at key challenges</li> <li>Significant Natural Areas (SNA) project is underway. This will identify where each SNA is, the significance of the asset, functions and corridors and monitoring and can be used to set regional plan rules – will give more information on which to base decisions – half way through at present</li> </ul>



**Actions**

ID	Task	Reason	Workstream	Dependencies	Urgency	Significance
<b>Plan Review Activities</b>						
1	Establish clear policy direction for biodiversity in the plan to set example for district councils in leadership and governance role	Outcomes	Plan Review	✓	Short term	Amber
2	Review WCP provisions to address biodiversity issues in coastal areas	Outcomes	Plan Review		Long term	Amber
3	Revisit vegetation removal rules (particularly riparian areas) and investigate potential for requiring planting as mitigation	Outcomes	Plan Review		Immediate	Amber
4	Revise rules around wetland drainage (particularly those not picked up by SNA project)	Outcomes	Plan Review		Immediate	Green
<b>Other Activities</b>						
5	Address indirect impact on biodiversity from other activities (eg farming and flood protection)	Outcomes	Plan Review and Review of Consent Process		Short term	Amber
6	Adopt stronger policy direction in plan to give higher weighing to biodiversity effects	Outcomes	Plan Review		Long term	Green
7	Incorporate results of SNA project into plan (including establishing relevant plan provisions)	Outcomes	Plan Review		Long term	Red
8	Map areas of significant indigenous biodiversity to implement the NPS – through existing SNA project	Legislation	RPS Implementation	✓	Short term	Red
9	Identify current state of biodiversity so that appropriate provisions can be put in place to stop further decline	Outcomes	Monitoring	✓	Immediate	Red
10	Investigate offsets to get more planting and use of incentives	Outcomes	RPS Implementation		Long term	Amber
11	Provide advice on best practice possibly using demonstration sites	Outcomes	General Business		Long term	Green
12	Revise consenting process to get information on biological effects of activities (particularly land use conversions) and improve consistency in how data is collected	Information	Review of Consent Process	✓	Short term	Green
13	Prioritise interventions starting with natural water courses (including identifying priorities for riparian planting) and prioritise sequences and systems	Outcomes	General Business		Long term	Red

#### 2.4.4 Heritage and Landscapes

Policy Framework	Plan Effectiveness
<ul style="list-style-type: none"> <li>Managing heritage and landscapes is a combined responsibility of both regional and district councils and can cause conflicts</li> <li>RPS sets out a more proactive role for WRC in managing heritage and landscapes to support a number of objectives, in particular:               <ul style="list-style-type: none"> <li>Protecting outstanding natural features and landscapes</li> <li>Maintaining and enhancing amenity values</li> <li>Protecting the natural character of the coastal environment and water bodies</li> <li>Allowing access to the CMA</li> <li>Maintaining and enhancing historic and cultural heritage</li> </ul> </li> <li>RPS sets criteria for assessing landscape values and historic and cultural heritage to try and achieve consistency across the region</li> <li>Landscapes and heritage are both recognised as matters of national significance under the RMA</li> <li>New policy framework does not distinguish between natural heritage and historic heritage</li> </ul>	<ul style="list-style-type: none"> <li>Plan does not address heritage and landscapes directly though does have some provisions considering impacts of activities on natural character, amenity and public access</li> <li>Current plan distinguishes between natural heritage and historic heritage which is a significant difference – currently WRC manage natural heritage reasonably well but historic heritage is a new area – this may not be managed through the regional plan but through other methods</li> <li>Cultural heritage generally managed well through consenting process at present due to requirements to consult with iwi</li> <li>Activities controlled by the plan have ability to impact on heritage and landscapes and should address these though at present there are no major unacceptable effects happening as a result of limited policy direction</li> <li>Some rules regarding restricting access to the CMA exist but RPS requires plans to identify where restrictions on access to lakes and rivers are also appropriate. Existing rules need to be revisited to make sure they are achieving the objectives in the RPS</li> </ul>
Trends and Emerging Issues	Initiatives
<ul style="list-style-type: none"> <li>Landscape and heritage issues cut across all activities in the plan</li> <li>Unclear what WRC role is in this area and how important it is to Council – methods for managing landscape and heritage effects and supporting workstreams are unclear</li> <li>Current lack of information on what heritage exists in the region and numerous approaches to managing it</li> <li>Much of this is value based and subjective (amenity values, natural character, historic heritage)</li> </ul>	<ul style="list-style-type: none"> <li>SNA project will provide an inventory of lakes, geothermal, marine and wetland areas – this project will define areas but needs ground truthing with TAs and management will be left up to TAs (some TAs don't want to map areas spatially)</li> </ul>

#### Actions

ID	Task	Reason	Workstream	Dependencies	Urgency	Significance
<b>Plan Review Activities</b>						
1	Review current plan provisions relating to access	Outcomes	Plan Review		Long term	Green
2	Consider next steps of SNA project in terms of regulatory reform and monitoring	Outcomes	Plan Review		Short term	Red
<b>Other Activities</b>						
3	Identify values and characteristics of ONFLs as set out in the RPS	Outcomes	RPS Implementation		Long term	Amber
4	Identify historic and cultural heritage sites requiring protection and establish an inventory	Outcomes	RPS Implementation		Long term	Red
5	Assess impacts on heritage through resource consent process – need more cohesive approach and clearer process including assessment criteria, policy framework and triggers for assessment	Outcomes	Review of Consent Process and Plan Review		Short term	Green
6	Clarify WRC role in landscapes and historic heritage in particular	Process	RPS Implementation	✓	Long term	Green
7	Look into natural heritage and how this is covered by the new policy framework	Process	General Business		Short term	Green
8	Establish other methods required in addition to regulatory approach for achieving these outcomes including collaboration with TAs and working with landowners	Outcomes	RPS Implementation		Long term	Amber
9	Confirm role of natural heritage inventory compared to SNA project	Process	RPS Implementation	✓	Long term	Green



## 2.4.5 Geothermal

Policy Framework	Plan Effectiveness
<ul style="list-style-type: none"> <li>RPS is aligned to the current regional plan so no major changes required as a result – generally involves balancing use of geothermal resource with protection of significant features</li> <li>NPS Renewable Energy aims to generate 90% of energy from renewable sources and enable development of these resources including geothermal</li> </ul>	<ul style="list-style-type: none"> <li>Geothermal section of the plan was developed later than others so more up to date</li> <li>Rules are generally effective and clear with some interpretation issues and implementation is not always done well</li> <li>Current plan uses classification system for geothermal areas which is generally effective</li> <li>Current lack of ability to get useful data from developers which needs to be resolved through consenting processes</li> <li>Some issues with particular rules in the plan:               <ul style="list-style-type: none"> <li>Large takes in development systems – unclear what rule applies as depends on hydrological connectivity which is difficult to assess</li> <li>Notification condition on PA in development systems – need some way of getting information without this</li> <li>Significant geothermal features maps aren't used well – may be a training and education issue and only affects a few consents</li> <li>Vegetation clearance is covered but not planting near geothermal features – may need restriction on exotic planting within 20m of significant geothermal features</li> </ul> </li> <li>Current plan maps geothermal water features but only captures about 10% and needs to be more comprehensive to stop adverse effects on these features</li> </ul>
Trends and Emerging Issues	Initiatives
<ul style="list-style-type: none"> <li>Increasing demand for renewable energy putting pressure on geothermal resources including increased pressure from central government – 70-90% of national geothermal resource is in the region</li> <li>It is not currently known what the geothermal resource can realistically provide as this is based on modelling and information from developers which is complex – need more rigorous methods for getting information than those currently available</li> <li>Potential future issue with over-allocation which may require limits – this has not been an issue to date because there have only been single extractors</li> <li>Increasing impacts of land use activities and intensification on geothermal resources</li> <li>Prospecting of geothermal resources needs to be managed in a way that is clear as foreign investors are used to prospecting under Crown Minerals Act</li> </ul>	<ul style="list-style-type: none"> <li>Currently working on a process looking at conditions that would be useful to apply to geothermal consents</li> </ul>

### Actions

ID	Task	Reason	Workstream	Dependencies	Urgency	Amount of Work
<b>Plan Review Activities</b>						
1	Minor rule changes to plan as suggested in the table above	Outcomes / useability	Plan Review		Long term	Green
2	Update maps in plan including geothermal water maps	Outcomes	Plan Review		Short term	Amber
<b>Other Activities</b>						
3	Establish what the geothermal resource in the region can provide through information from developers and modelling	Legislation	General Business		Long term	Red
4	Include mechanisms in the plan for getting information from developers such as standard terms and guidelines on consent conditions and stronger policy direction for this	Information	Review of Consent Process and Plan Review	✓	Immediate	Green
5	Investigate reasons for implementation issues and address these through training (such as use of maps)	Outcomes	Review of Consent Process	✓	Short term	Amber
6	Document the process for prospecting of geothermal resources to make available to foreign investors to improve understanding	Process	General Business		Long term	Amber

## 2.4.6 Air

Policy Framework	Plan Effectiveness
<ul style="list-style-type: none"> <li>RPS policy is not significantly different from existing policy direction requiring the management of air quality to achieve national environmental standards, avoid risk to health and ecosystems and avoid effects on amenity and wellbeing</li> <li>Methods set out in RPS are quite holistic and broad and are generally in line with what is being done</li> <li>NES on Air Quality sets standards with two deadlines for compliance (2016 and 2020) excluding exceptional events, prohibits new solid fuel open fires and requires offsets from industries discharging PM10 to maintain overall air quality – WRC role is to comply</li> <li>NES has monitoring and reporting requirements</li> </ul>	<ul style="list-style-type: none"> <li>Point source discharges generally well covered though plan may be too permissive on some PAs – may need to be tightened for non-complying air sheds or urban areas around industrial combustion</li> <li>Plan needs to include an allowance for operation of emergency generators which may require different conditions to other activities</li> <li>Plan needs to better address outdoor burning including restricting burning of silage wrap and potentially some wording tweaks to add clarity to the prohibited activity rule – this applies to both the coastal and regional plans</li> <li>Combustion rules need to include reference to combustion of biofuels as this is currently a gap – biofuels may need to be defined</li> <li>Agricultural spray rules are hard to enforce and regulate due to complex conditions for permitted activities</li> <li>Assessing effects on air quality is generally done sufficiently through consenting process but could be done more consistently through applying the criteria suggested in the RPS (Policy 5.2) and including it in the plan</li> <li>Some gaps in the plan including: <ul style="list-style-type: none"> <li>Addressing diffuse PM10 discharges (eg dust)</li> <li>Regulation of domestic wood burners</li> <li>Discharges from transport</li> <li>Effects from large scale earthworks such as roading activities</li> </ul> </li> <li>Alter all permitted activities to include a condition that they can't cause NES exceedance</li> </ul>
Trends and Emerging Issues	Initiatives
<ul style="list-style-type: none"> <li>NES recognises that air quality varies in different areas and different methods of management will be required</li> <li>Current focus on air quality at the national level is around PM10 as this causes the most health issues</li> <li>Main emerging issue is diffuse discharges (eg dust from earthworks)</li> <li>Currently only have monitoring to focus on NES requirements and PM10 and this does not generate enough information to address all air quality issues – also doesn't always demonstrate the cause of problems</li> </ul>	<ul style="list-style-type: none"> <li>Air quality strategy being produced</li> <li>Work has been done on a plan change to address the issue of domestic wood burners but this was put on hold</li> </ul>

### Actions

ID	Task	Reason	Workstream	Dependencies	Urgency	Amount of Work
<b>Plan Review Activities</b>						
1	Address gaps in the plan identified in the table above	Outcomes	Plan Review		Immediate	Amber
2	Revisit previous plan change regarding domestic wood burners	Outcomes	Plan Review		Short term	Green
3	Minor changes to rules including: <ul style="list-style-type: none"> <li>Industrial discharges and use of emergency generators</li> <li>Outdoor burning</li> <li>Agricultural spray</li> <li>Combustion</li> <li>Permitted activities</li> </ul>	Outcomes	Plan Review		Short term	Green
<b>Other Activities</b>						
4	Revise monitoring programme to look at wider air quality issues	Outcomes	Monitoring	✓	Long term	Red
5	Compliance with NES requirements including monitoring activities	Legislation	General Business		Immediate	Red
6	Develop air quality strategy for region with regulatory and other methods including incentives and education	Outcomes	RPS Implementation		Long term	Red
7	Ensure effects of activities on air quality are considered through consenting process	Outcomes	Review of Consent Process and Plan Review		Long term	Green

## 2.4.7 Natural Hazards

Policy Framework	Plan Effectiveness
<ul style="list-style-type: none"> <li>RPS takes a proactive approach to managing natural hazards based on reducing risk through defining primary hazard zones, developing strategies to manage risks and managing activities to reduce hazard risk</li> <li>Future Sea Level Rise NES – sets projections which should be planned for and should feed into assessment of primary hazard zones</li> <li>NPS on flood risk was previously prepared but has been put on hold</li> </ul>	<ul style="list-style-type: none"> <li>Some rules in the plan currently address the issue of reducing risk mainly with regards to flooding and land instability but these are largely about activities that may cause hazards, not management of risk:               <ul style="list-style-type: none"> <li>Floodplain management rules need to be reviewed more clearly through defining the floodplain and stating what can be done and addressing the issue of infill and ancillary structures specifically – currently addressed through damming and diversion rules</li> <li>Diversion of water rules cover effects of discharges on flooding but not hazard risk – flooding effects generally covered but could improve with some minor changes including inclusion of standards to be used</li> <li>Minor amendments to tighten approach overall and simplify terminology used</li> </ul> </li> <li>Regional plan is not used as a key tool in managing natural hazards and more about controlling activities that are managed by the plan that may have an impact on hazard management – this is generally sufficient</li> <li>Regional plan may need to address land use in primary hazard zones depending on the outcome of the RPS process</li> <li>Existing plan is too permissive and ad hoc so does not address cumulative effects well</li> </ul>
Trends and Emerging Issues	Initiatives
<ul style="list-style-type: none"> <li>Increasing issue with existing use rights which causes a risk where things have been allowed previously that now would not be</li> <li>Hazard management is a combined responsibility of both regional and district councils and there is still some lack of clarity around roles which need to be well defined – requires strong collaboration</li> <li>Becoming an increasingly important topic politically and for communities</li> <li>Strong central government direction that managing hazard risk will be done more strategically through land use</li> <li>Affects both regional and coastal plan as coastal areas are prone to natural hazards – needs a consistent approach across both plans</li> </ul>	<ul style="list-style-type: none"> <li>General business being undertaken but no relevant new initiatives at this stage</li> </ul>

### Actions

ID	Task	Reason	Workstream	Dependencies	Urgency	Amount of Work
<b>Plan Review Activities</b>						
1	Establish regulatory requirements in plan as a result of Primary Hazard Zones	Outcomes	Plan Review		Long term	Red
2	Confirm what constitutes a natural hazard	Process	Plan Review		Long term	Green
3	Investigate minor amendments to plan provisions as suggested in table above	Outcomes	Plan Review		Long term	Green
<b>Other Activities</b>						
4	Define level of WRC involvement in managing natural hazard risks and amount of control council wishes to take (information gathering and working with TAs, more significant to override existing use rights or managing all regionally significant risks)	Process	General Business	✓	Short term	Green
5	Identify primary hazard zones through process set out in RPS (to be confirmed once RPS is operative)	Outcomes	RPS Implementation		Long term	Red

## 3. Recommendations

### 3.1 Recommendations

The actions tables set out in the previous sections of this report summarise the activities that need to be undertaken to address the issues identified throughout this review process. The actions are separated into those that are directly related to the plan review process and those that relate to other work programmes but have an influence over the plan review process and contribute to the overall effectiveness of the policy. Although the tasks not directly related to the plan review may be actioned by other groups within WRC and be subject to their own timeframes, they should be considered in parallel with the plan review project.

The summary of actions highlight that in a number of cases, there are a range of tasks that need to be carried out prior to any potential plan changes or regulatory process being pursued. For example, in some cases the role of WRC in relation to natural hazards needs to be clarified before any changes can be made to the regional plan. In these cases, although the urgency of the task may not demonstrate a need for the activity to be carried out immediately, the timing of these activities will need to ensure that dependent activities can be carried at the appropriate time.

The urgent actions that are required to address significant problems with either the WRP or WCP are as follows:

- Review of permitted activities (PA) including:
  - Those highlighted throughout as problematic
  - All PA rules for clarity and changes to conditions
  - PA rules determined to be ineffective in 2009 assessment
- Review **implications** of NPS Freshwater looking at:
  - Impact on Variation 6
  - Impact on overall plan
  - Confirm what implementation of the NPS means (is this having policies in place or actually achieving the outcomes?)
- Revise **drainage** of wetlands rules
- Agree **plan** for addressing agricultural issues including:
  - Scope of issues to be addressed (requiring agreement on what the key issues are)
  - Define iwi involvement
  - Approach including whether it will be staged by catchment, timeframes, involvement of communities and industry
- Consider **alternative** format for coastal plan using a zoning approach taking into account new information available in line with report recommendations
- Revisit vegetation removal rules (particularly riparian areas) and investigate potential for requiring planting as **mitigation**
- Revise rules around wetland drainage (particularly those not picked up by SNA project)
- **Address** gaps in the plan identified in the table above



Supporting actions outside the direct scope of the plan review project that require immediate attention are:

- **Investigate consenting practices for farms and use of comprehensive consents for all activities**
- **Establish plan for addressing peat soils and high class soils**
- **Develop coastal environment monitoring strategy to improve level of information available which will provide more information about what the main issues are**
- **Identify current state of biodiversity so that appropriate provisions can be put in place to stop further decline**
- **Include mechanisms in the plan for getting information from developers such as standard terms and guidelines on consent conditions and stronger policy direction for this**
- **Compliance with NES requirements including monitoring activities**

However, when planning what activities should be carried out when, the timelines need to take into account those actions that are predecessors to other activities which may result in some short term or long term actions being required sooner. An initial timeline has been developed and is included in Figure 1. This is not intended to be a full project plan and does not take into account the actual timeframes for completion of each task or identify the dependencies. It is recommended that WRC develop a detailed project plan setting out all of the activities and dependencies including resourcing requirements and timeframes.

As discussed in section 2.3.2 of this report, it is proposed that the plan review is undertaken in stages, starting from the present time, and working through the issues in order of urgency or as a result of dependencies. This does not necessarily mean undertaking a series of plan changes, as any investigation work could be completed in priority order and then consolidated into one proposed policy document. This will depend on a more detailed assessment of the timelines required to complete particular activities and the dependencies and linkages between tasks.

Figure 1 Timeline of Actions



**Urgency:**

- Immediate
- Short Term
- Long Term
- Actions with Dependencies

**Key:**

- General
- Land, Water & Soil
- Coastal
- Biodiversity
- Heritage and Landscapes
- Geothermal
- Air
- Natural Hazards

### 3.2 Next steps

Following on from this initial review, there are a number of steps required to take forward the findings and recommendations and to progress the plan review process. The next steps are set out below.

- Internal review of report by policy team to discuss the findings and review recommendations to establish what recommendations will be made to Council going forward
- Test recommendations with other stakeholders:
  - Councillors
  - Iwi
  - Territorial Authorities
- Take recommendations from report and stakeholder input and prepare a project plan identifying timeframes for activities and dependencies between tasks and with other projects – this will include the tasks required to determine the overall approach to the plan review as well as those related to addressing specific topics
- Use project plan to determine priorities and scope works for input to the Long Term Plan process
- Implement project plan:
  - Firstly addressing those aspects relating to the general approach including determining the process that will be undertaken for the review, using best practice guidelines on plan development and investigating other examples of plans, possibly through liaison with the Ministry for the Environment
  - Addressing the topic areas in priority order including undertaking a more detailed assessment of the plan provisions based on state of the environment and monitoring information to establish what changes need to be made to specific parts of the plan

In addition to the plan review process itself, a number of other recommendations for projects have been highlighted. These need to be considered and include:

- Reviewing the consenting processes and practices – to be done in conjunction with the plan review to determine the cause of ineffectiveness of some provision and address both the provision itself and any issues with interpretation or implementation
- Reviewing compliance processes and activities – to feed into the plan review by highlighting those areas where the provisions in the plan make enforcement or compliance monitoring difficult
- Revisiting monitoring requirements to inform plan development – it will also be important to make sure that the relevant monitoring information is available to inform policy decisions and also to monitor the effectiveness of these provisions in the long term



## Appendix A

# Workshop Information Sheets

General Approach

Land, Water and Soil – Strategic Direction

Land, Water and Soil – Technical Discussion

Coastal

Biodiversity

Heritage and Landscapes

Geothermal

Air

Natural Hazards



## General Approach

### Existing Policy

The existing Waikato Regional Plan was notified in January 1998 and became operative in September 2007. There are parts of the plan that are therefore out of date and no longer fit with the strategic direction of WRC.

Some more recent updates have been made to the plan regarding particular issues.

The plan sets the direction on the use, development and protection of natural and physical resources in the region. The overall policy direction has been set by the proposed Regional Policy Statement (RPS) and the Regional Plan must implement the relevant aspects of the RPS.

The existing regional plan is resource based with modules covering:

- ▶ Water
- ▶ River and lake beds
- ▶ Land and soil
- ▶ Air
- ▶ Geothermal

The approach to the regional plan as it currently stands is based on the following principles:

- ▶ Activities are managed so that those that are likely to have minimal effects on the environment do not require a resource consent (eg. permitted activities)
- ▶ The plan recognises that resource use is required to meet social, economic and environmental needs
- ▶ Regional rules are adopted for those activities restricted under Part III of the RMA including use of permitted activities to allow activities that have no more than minor effects
- ▶ WRC will only intervene in matters not restricted under the RMA where the activity is likely to cause adverse effects on the environment and where regional rules are the most appropriate way of managing these
- ▶ WRC will use non-regulatory methods in addition to plan rules
- ▶ Permitted activities will be monitored and appropriate enforcement mechanisms used and changes to the plan will be made where necessary to address issues
- ▶ Assessment criteria are included to guide resource consent decisions
- ▶ Cumulative effects of a proposal are considered
- ▶ Consultation by resource consent applicants is promoted

### Updates

The government has increased its focus on providing national policy direction for resource management. As part of this, reforms have been made to the RMA and those of relevance include:

- ▶ Full ten yearly plan reviews are no longer required. Provisions within the

	<p>plan that have been subject to a review or plan change within the previous ten years do not need to be readdressed at plan review time</p> <ul style="list-style-type: none"> <li>▶ National Policy Statements (NPS) can now direct Local Authorities to incorporate objectives and policies directly from the NPS without further public consultation.</li> </ul> <p>Further reforms will seek to provide greater central government direction on resource management issues in relation to particular resources.</p> <p>The strategic direction for Waikato Regional Council signals a change in business as usual for the council taking a more proactive approach to balance economic and environmental outcomes for the region and playing a coordination role with other organisations. It identifies three flagship goals which will impact on the policy direction set by the regional plan:</p> <ul style="list-style-type: none"> <li>▶ Sustain land and water values</li> <li>▶ Facilitate regional development</li> <li>▶ Meet co-governance requirements</li> </ul> <p>These will need to be taken into account in setting the overall direction of the plan and how it will be used to achieve these goals.</p>
<p><b>Issues</b></p>	<p>The update of the Regional Policy Statement identified the following key issues in the region that are to be addressed:</p> <ul style="list-style-type: none"> <li>▶ The declining quality and quantity of natural and physical resources</li> <li>▶ The changing environment means that the region is at risk from the effects of climate change</li> <li>▶ Increasing demand for energy which need to be met whilst minimising the effects on natural resources</li> <li>▶ Providing for development of the build environment whilst minimising the impact on natural resources</li> <li>▶ Changing relationships with tangata whenua</li> <li>▶ The degrading health and wellbeing of the Waikato river needs to be addressed</li> </ul> <p>These will affect the overall policy direction taken in the Regional Plan to implement the relevant provisions of the RPS.</p>
<p><b>Initiatives</b></p>	<p>Monitoring has been carried out by WRC over the life of the plan, including:</p> <ul style="list-style-type: none"> <li>▶ Regional environmental trend monitoring</li> <li>▶ Compliance and effects monitoring</li> <li>▶ Performance monitoring</li> <li>▶ Community monitoring</li> <li>▶ Research, investigations and surveys</li> <li>▶ Plan implementation monitoring</li> </ul> <p>The results of this monitoring should be taken into account when reviewing</p>

	the plan.
<b>Questions</b>	<p>Is the general regional plan approach to managing the use of resources still appropriate?</p> <ul style="list-style-type: none"> <li>▶ Is the use of permitted activities an appropriate method and are they achieving the aims of the plan?</li> <li>▶ Is the combination of rules and non-regulatory methods the best approach?</li> <li>▶ Are regional plan rules the most appropriate way of addressing the issues?</li> <li>▶ Is the enabling approach appropriate or should the plan take a more restrictive approach to resource use?</li> </ul> <p>Is the plan currently working in the way it was intended?</p> <ul style="list-style-type: none"> <li>▶ Does the plan allow for consistent application to resource consents?</li> <li>▶ Is the process efficient and effective?</li> </ul> <p>Is the resource based approach still the most appropriate way to structure the plan?</p> <p>Are there any major areas that the plan should cover but does not, given anticipated trends in resource use?</p> <p>How well aligned is the existing plan with the policy direction set out in the proposed RPS?</p> <p>Does the plan need to change to better reflect the new strategic direction of WRC?</p> <ul style="list-style-type: none"> <li>▶ Is the plan unnecessarily restricting regional development?</li> <li>▶ Does the plan need to better reflect co-management or co-governance?</li> </ul> <p>Are there any other changes you are aware of that will affect the plan?</p> <p>How should the plan review be undertaken (eg. rolling review, full review)?</p> <p>What existing policy review activities are underway that will feed into the plan review?</p> <p>What are the results of the monitoring that has been undertaken to date?</p>

## Land, Water and Soil – Strategic Direction

### Existing Policy

The existing policy direction aims to protect the environmental values of land and water through limiting particular activities such as discharges to land and water, damming and diverting of water and water extraction. It also contains rules relating to activities in river and lake beds and erosion and contaminated land.

The plan contains a water management classification system which outlines the characteristics of water bodies and their values. The plan sets standards for flow levels in water bodies and restricts discharges to water or land where there is a more than minor effect. There are also a number of identified permitted activities in relation to discharges to water and land.

The policy direction in the Proposed Regional Policy Statement (RPS) signals a change in intent. The key elements of the RPS that will influence the strategic direction regarding land, water and soil are:

- ▶ Business as usual is not working and there is continuing degradation of natural resources
- ▶ There is a stronger focus on riparian management
- ▶ Quality standards should be set for all water bodies
- ▶ High value water bodies should be identified
- ▶ A focused catchment response is required
- ▶ Stronger regulation is needed for diffuse sources of soil and water contamination

### Updates

There have been a number of changes in this area since the existing Regional Plan was produced.

#### **Land and Water Forum:**

The Land and Water Forum was tasked with setting out goals and long-term strategies for freshwater management And making recommendations to government. Although this has no legal weighting for the regional plan, the evidence and recommendations should be considered as part of the review. The key outcome of the Land and Water Forum report has been a package of water measures by central Government including:

- ▶ A National Policy Statement on Freshwater Management
- ▶ An Irrigation Acceleration Fund to support the development of new irrigation infrastructure proposals
- ▶ A Fresh Start for Freshwater Clean Up Fund to restore the quality of degraded water sources

#### **Freshwater Management NPS:**

The NPS on Freshwater Management requires the following which will impact on the way WRC carries out its functions:

- ▶ Setting objectives and quality limits for freshwater – including preventing

or minimising the effects of discharges of contaminants

- ▶ Management of water takes – including avoiding over-allocation, safeguarding the life supporting capacity of water sources and protecting the significant values of wetlands
- ▶ Encouraging efficient use of water and allocating water takes to where the best value is achieved

The NPS will also be supported by complementary measures including technical methods for prescribing limits, supporting guidance for regional councils and National Environmental Standards.

There are also some measures that signify increasing iwi involvement in the management of freshwater though this is already well advanced in the Waikato through the Waikato River co-governance arrangements.

The regional plan must give effect to the NPS.

#### **Other National Policy Drivers:**

- ▶ Contaminants in Soils NES – under development which will set standards for levels of soil contamination and ensure contaminated land is identified and assessed before development occurs. This will need to be taken into account when preparing the regional plan.
- ▶ Sources of human drinking water NES – this is in effect and requires councils to decline discharge and water permits that may render community drinking water unsafe and monitor the effects of permitted activities on drinking water.
- ▶ Ecological flows and water levels NES – under development but may now be superseded by the NPS. It requires water levels to be managed to provide for the ecological function of flora and fauna
- ▶ Dairying and Clean Streams Accord – aims to minimise the effects of the dairy industry on the environment through keeping cattle out of water courses, treating effluent and managing the use of fertilisers and nutrients.

#### **Waikato Regional Council Strategic Direction:**

This identifies the key priorities for the council over the next three years, one of which is to sustain land and water values. A number of actions are mentioned to achieve this goal including:

- ▶ Establishing co-management with iwi
- ▶ Implementing the RPS
- ▶ Setting environmental limits and targets for water quality
- ▶ Establishing methods to achieve water quality targets
- ▶ Managing water bodies in a way that recognises community needs, natural risks and economic and environmental sustainability

#### **Co-governance:**

The treaty settlement between the Crown and Waikato-Tainui requires iwi to be a partner in the governance of the restoration of the health and wellbeing

	<p>of the Waikato River. This has implications for the way this particular catchment is managed and may also impact on other catchments as more settlements are agreed.</p>
<p><b>Issues</b></p>	<p>The issue of continuous decline in the state of the regions natural resources has been identified as a key issue in the RPS and much of this relates to land, water and soil issues.</p> <p>Some of the key issues that affect this area of the plan include:</p> <ul style="list-style-type: none"> <li>▶ Managing diffuse discharges from agricultural activities</li> <li>▶ Dealing with the effects of agricultural intensification</li> <li>▶ Balancing economic goals with environmental goals in the region</li> </ul> <p>Existing regional plan provisions are out of date and do not reflect current good practice in terms of water quality management. There are also numerous initiatives at the national level that have changed the overall policy environment in this area.</p>
<p><b>Initiatives</b></p>	<p>There are a number of initiatives that have been carried out or are underway to update some of the existing plan provisions. These include:</p> <ul style="list-style-type: none"> <li>▶ Variation 5 – Lake Taupo – notified in 2005 and currently subject to appeals, this variation deals with managing land use, including controls of some farming activities, in the Lake Taupo catchment.</li> <li>▶ Variation 6 – Water Allocation – notified in 2006 this variation deals with management of the allocation and use of freshwater to respond to increasing demand.</li> <li>▶ Potential variation – Waikato Catchment Agricultural Uses (diffuse discharges) – work is underway on a proposed regional plan variation to address agricultural effects on the Waikato River as part of the Sustainable Agriculture project.</li> <li>▶ Proposed project – setting water quality limits for all catchments throughout the region. This has been requested by Council.</li> </ul>

## Key Questions

How well aligned are the current objectives and policies in the regional plan to the changes in policy direction?

- ▶ How well aligned is the plan with the RPS direction?
- ▶ What changes will be required as a result of the NPS?
- ▶ How will the NESs affect the plan?
- ▶ What needs to be done to achieve the actions in the strategic direction?

How will co-governance affect the land and water provisions in the plan?

What are the issues regarding land and water that require the most urgent attention to meet the objectives of the council?

What are the most urgent aspects politically of the plan regarding land and water?

Are the variations that have already been notified in line with current policy direction?

Are there any major areas that the plan should cover but does not, given anticipated trends in resource use?

Are there any existing initiatives underway that need to be taken into account when reviewing the plan?

## Land, Water and Soil – Technical Discussion

### Existing Policy

The existing policy direction aims to protect the environmental values of land and water through limiting particular activities such as discharges to land and water, damming and diverting of water and water extraction. It also contains rules relating to activities in river and lake beds and erosion and contaminated land.

The plan contains a water management classification system which outlines the characteristics of water bodies and their values. The plan sets standards for flow levels in water bodies and restricts discharges to water or land where there is a more than minor effect. There are also a number of identified permitted activities in relation to discharges to water and land.

The policy direction in the Proposed Regional Policy Statement (RPS) signals a change in intent. The key elements of the RPS that will influence the strategic direction regarding land, water and soil are:

- ▶ Business as usual is not working and there is continuing degradation of natural resources
- ▶ There is a stronger focus on riparian management
- ▶ Quality standards should be set for all water bodies
- ▶ High value water bodies should be identified
- ▶ A focused catchment response is required
- ▶ Stronger regulation is needed for diffuse sources of soil and water contamination

### Updates

There have been a number of changes in this area since the existing Regional Plan was produced.

#### **Land and Water Forum:**

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- ▶ Management of water takes – including avoiding over-allocation, safeguarding the life supporting capacity of water sources and protecting the significant values of wetlands
- ▶ Encouraging efficient use of water and allocating water takes to where the best value is achieved

The NPS will also be supported by complementary measures including technical methods for prescribing limits, supporting guidance for regional councils and National Environmental Standards.

There are also some measures that signify increasing iwi involvement in the management of freshwater though this is already well advanced in the Waikato through the Waikato River co-governance arrangements.

The regional plan must give effect to the NPS.

#### **Other National Policy Drivers:**

- ▶ Contaminants in Soils NES – under development which will set standards for levels of soil contamination and ensure contaminated land is identified and assessed before development occurs. This will need to be taken into account when preparing the regional plan.
- ▶ Sources of human drinking water NES – this is in effect and requires councils to decline discharge and water permits that may render community drinking water unsafe and monitor the effects of permitted activities on drinking water.
- ▶ Ecological flows and water levels NES – under development but may now be superseded by the NPS. It requires water levels to be managed to provide for the ecological function of flora and fauna
- ▶ Dairying and Clean Streams Accord – aims to minimise the effects of the dairy industry on the environment through keeping cattle out of water courses, treating effluent and managing the use of fertilisers and nutrients.

#### **Waikato Regional Council Strategic Direction:**

This identifies the key priorities for the council over the next three years, one of which is to sustain land and water values. A number of actions are mentioned to achieve this goal including:

- ▶ Establishing co-management with iwi
- ▶ Implementing the RPS
- ▶ Setting environmental limits and targets for water quality
- ▶ Establishing methods to achieve water quality targets
- ▶ Managing water bodies in a way that recognises community needs, natural risks and economic and environmental sustainability

#### **Co-governance:**

The treaty settlement between the Crown and Waikato-Tainui requires iwi to be a partner in the governance of the restoration of the health and wellbeing

	<p>of the Waikato River. This has implications for the way this particular catchment is managed and may also impact on other catchments as more settlements are agreed.</p>
<p><b>Issues</b></p>	<p>The issue of continuous decline in the state of the regions natural resources has been identified as a key issue in the RPS and much of this relates to land, water and soil issues.</p> <p>Some of the key issues that affect this area of the plan include:</p> <ul style="list-style-type: none"> <li>▶ Managing diffuse discharges from agricultural activities</li> <li>▶ Dealing with the effects of agricultural intensification</li> <li>▶ Balancing economic goals with environmental goals in the region</li> </ul> <p>Existing regional plan provisions are out of date and do not reflect current good practice in terms of water quality management. There are also numerous initiatives at the national level that have changed the overall policy environment in this area.</p>
<p><b>Initiatives</b></p>	<p>There are a number of initiatives that have been carried out or are underway to update some of the existing plan provisions. These include:</p> <ul style="list-style-type: none"> <li>▶ Variation 5 – Lake Taupo – notified in 2005 and currently subject to appeals, this variation deals with managing land use, including controls of some farming activities, in the Lake Taupo catchment.</li> <li>▶ Variation 6 – Water Allocation – notified in 2006 this variation deals with management of the allocation and use of freshwater to respond to increasing demand.</li> <li>▶ Potential variation – Waikato Catchment Agricultural Uses (diffuse discharges) – work is underway on a proposed regional plan variation to address agricultural effects on the Waikato River as part of the Sustainable Agriculture project.</li> <li>▶ Proposed project – setting water quality limits for all catchments throughout the region. This has been requested by Council.</li> </ul>

## Strategic Direction Summary

The land, water and soil strategic direction workshop highlighted the following:

- ▶ The policy direction that needs to be set regarding land, soil and water needs to be somewhere between that of the existing regional plan (which has a classification system and standards that should be given regard to) and Variation 5 – Lake Taupo (which sets numerical time bound limits).
- ▶ Freshwater NPS dictates that quality and quantity limits and targets must be set for freshwater bodies in the region. Technical forum may be used to set limits. No over-allocation is allowed.
- ▶ Existing plan does not focus on receiving environments, does not have time bound limits and standards and does not have methods focused on achieving the standards.
- ▶ RPS outlines the values of freshwater bodies and seeks to protect them, restore and enhance where possible while still enabling communities to provide for their social and economic wellbeing.
- ▶ There is a recognition that continued degradation will occur if land use stays the same. To achieve no further degradation requires significant action.
- ▶ Different responses are required for different catchments taking into account the values of the water bodies, community aspirations and priority status.
- ▶ Current approach by Council is for a plan change to address achieving the vision and strategy in the Waikato catchment – this is only looking at dealing with the issues of diffuse discharges from agricultural uses at this stage, though does look across the whole range of issues this presents.
- ▶ Council has also asked for a plan for setting limits for all water bodies in the region.
- ▶ Issue is not necessarily with activities permitted by the plan but with things that aren't covered by the plan at all. Existing rules could be tightened to enforce the standards set by the plan.
- ▶ Difficulties in achieving the balance between land and water outcomes and regional economic development, both of which are priorities in the WRC strategic direction. The wider perception is that you can have both, but this may mean a need to revisit what is seen as acceptable.
- ▶ Common view is held by most parties at the high level about diffuse sources being the problem, particularly agriculture, and changing behaviours is required (though potentially the view of iwi is different). There is, however, no clear agreement on how to achieve this.
- ▶ To change the policy, you need agreement on the cause of the problem and what we are trying to achieve, as well as the pace (and associated cost) of change, and then the methods required to achieve it.
- ▶ Difference of opinion over whether the issue should be tackled by taking a sub-regional or a region wide approach. There may also be an

argument for sub-catchments to be considered.

- ▶ Requires a long term strategy. Firstly, implement the standards in the existing plan; secondly, set limits to ensure that water quality doesn't degrade; thirdly, identify what tools are needed to maintain current levels.
- ▶ Some changes required as a result of NESs including drinking water and contaminants in soils.
- ▶ Variation 6 on water quality changes the policy direction – it sets priorities, sets allocable and environmental flows and deals with efficient use and transfer of water permits - will need further updates as a result of the NPS, particularly involving over-allocation.
- ▶ Renewable energy NPS is not very well linked with the freshwater NPS. It will have an impact on the damming and diverting policies.
- ▶ Some other issues that are not as significant as agriculture but need to be addressed include deforestation (increased run off), stormwater (clear velocity and quantity guidelines), sewage (high risk areas), earthworks (changes to permitted activities) and land use (causing significant effects).
- ▶ Some urgent soil issues need to be addressed as they are irreversible including high class soils, peat soils and diffuse contaminants.

## Key Questions

How are the current rules in the regional plan regarding land, water and soil working?

- ▶ Discharges to land and water
  - Diffuse discharges from agriculture
  - Diffuse stormwater discharges
  - Point source discharges
- ▶ Use of water
  - Water allocation
  - Damming and diverting water
  - Water storage
- ▶ Activities in river and lake beds
  - Drainage of wetlands – potential monitoring issue
  - Structures (particularly culverts) – lessening need for consents on some structures
- ▶ Contaminated land

Are there any quick wins that can be achieved by minor changes to rules that will fix niggling problems?

Are the permitted activity rules working and are they still appropriate for managing land and water resources? Which rules need tightening?

- ▶ Issues with permitted farming activities

- ▶ Earthworks conditions and permitted activities need to be tighter

Are there areas where urgent monitoring is required to inform policy decisions?

- ▶ Stormwater
- ▶ Biological effects of water quality issues

What is the best way to tackle the issues outlined in the Regional Policy Statement?

- ▶ When is it appropriate to use rules and what rules are appropriate?
  - Limits on livestock (eg. Horizons)
  - Protection zones for drinking water quality
- ▶ What combination of rules and other methods should be used?
  - How does the non-statutory agriculture land and water strategy fit in?
  - Use of trading based on limits
- ▶ How should permitted activities be used?

What can practically be achieved given the resources available to address consents and compliance issues?

## Coastal

### Existing Policy

The Waikato Regional Coastal Plan became operative in 2005. The plan is structured around resource management issues and activities in the Coastal Marine Area (CMA) with separate sections for policies and implementation methods. The scope of the plan is restricted to the CMA as defined in the RMA.

The chapters in the plan relate to:

- ▶ Natural character, habitat and coastal processes
- ▶ Water quality
- ▶ Structures
- ▶ Marine farming
- ▶ Foreshore and seabed disturbances
- ▶ Natural hazards
- ▶ Public access
- ▶ Air quality and noise
- ▶ Surface water activities

The plan sets policies, then rules and then discusses other non-regulatory implementation methods. The overall approach in the Coastal Plan is to take an integrated approach to managing the CMA recognising that activities in the wider coastal environment also affect the CMA. The plan also takes a precautionary approach where the effects of activities are uncertain.

Some of the key principles that are established in the plan include a values based management approach, seeking efficient allocation of resources, recognising community and iwi interests, taking into account the cumulative effects of activities and identifying appropriate justification for coastal activities.

### Updates

#### **Proposed Regional Policy Statement (RPS)**

The proposed RPS was notified in 2010 and sets the general policy direction for the region, including management of the coastal environment. The key elements of the RPS in relation to the Coastal Plan are:

- ▶ An integrated approach to management of the coastal environment focusing on protection of the features and values, avoiding conflict between uses and values and recognising the link between land and marine based activities.
- ▶ Managing activities to avoid potential adverse effects of climate change induced weather variability and sea level rise which impacts on the use of the coastal environment.
- ▶ Maintaining the mauri and health of marine waters to support human uses and marine ecosystems through classifying marine water types and establishing quality standards (including baselines and limits) and

managing discharges

- ▶ Appropriate allocation of space in the CMA to provide for the range of uses and interests including development of an aquaculture strategy.

There are other areas of the plan that may also indirectly affect the way activities are managed in the CMA such as built environment, heritage, indigenous biodiversity, landscape, natural character and amenity and natural hazards.

### **New Zealand Coastal Policy Statement (NZCPS)**

This refers to the coastal environment, which is broader than the CMA. It must be given effect to in the regional policy statement and regional plans as soon as practicable. The overall policy direction includes:

- ▶ Protecting the integrity and natural character of the coastal environment and sustaining ecosystems and values
- ▶ Recognising the role of tangata whenua as kaitiaki
- ▶ Managing coastal hazard risks
- ▶ Allowing for use of the coastal environment (as open space and recreational area) to provide for social, economic, environmental and cultural wellbeing

The policy direction is largely in line with the RPS though some specific additional activities in the CMA may need to be considered in the Coastal Plan. These include providing for aquaculture in appropriate locations, allowing for transport by sea and managing sedimentation and discharge of contaminants.

### **Other national policy**

- ▶ Renewable Energy Generation NPS – seeks to meet goals set under the NZ Energy Strategy to reduce greenhouse gas emissions caused by energy use and production and provide for energy production while treating the environment responsibly. It seeks to generate 90% of electricity from renewable sources by 2025. It takes an enabling approach to renewable energy generation which includes wind, solar, hydro, geothermal, biomass, tidal, wave or ocean currents and therefore may affect the coastal area. It requires a plan change or variation by March 2012.
- ▶ Central government direction on aquaculture, possibly as part of the RMA Phase 2 reforms – developing an effective and enabling regime for aquaculture recognising the environmental and public character of marine areas and the rights of iwi, fishers and other users
- ▶ Future sea level rise NES – will set out the sea level rise projections that should be planned for

### **Issues**

The key issues in the region that relate to the coastal environment and CMA are:

- ▶ Effects of intensive aquaculture including accumulation of contaminants and effects on water quality

	<ul style="list-style-type: none"> <li>▶ Effects of sedimentation and nutrients in estuaries and harbours</li> <li>▶ Increasing potential for conflicts between activities is the CMA</li> <li>▶ Increased coastal erosion and flooding due to sea level rise</li> </ul>
<b>Initiatives</b>	<p>An initial review has been undertaken looking at the impacts of the NZCPS against the RPS. This has identified some areas of inconsistency where changes will be required to the RPS. The specific impacts of this on the Coastal Plan are yet to be determined.</p> <p>There have been a number of variations and plan changes in relation to the Coastal Plan. These include:</p> <ul style="list-style-type: none"> <li>▶ Marine farming variation – now operative – this introduced a new chapter to the plan facilitating development of appropriate marine farming activities</li> <li>▶ Marinas variation – now operative – on appropriate use and occupation of space for marinas</li> <li>▶ Minor changes variation – now operative – addressing minor issues with the plan</li> <li>▶ Coastal occupation charges variation – this is being prepared as a legal requirement and states that no charges will be levied for occupation</li> </ul>
<b>Key Questions</b>	<p>How well aligned are the current objectives and policies in the coastal plan to the changes in policy direction?</p> <ul style="list-style-type: none"> <li>▶ How well aligned is the plan with the RPS direction?</li> <li>▶ What changes will be required as a result of the NZCPS?</li> <li>▶ How will the other central government policies affect the plan?</li> </ul> <p>What issues regarding the coastal environment require the most urgent attention?</p> <p>What are the most important aspects politically concerning the coastal environment?</p> <p>Do we need a separate coastal plan?</p> <p>Are there any major areas that the plan should cover but does not, given anticipated trends in resource use?</p> <p>Are there any existing initiatives underway that need to be taken into account when reviewing the plan?</p> <p>How are the current rules in the coastal plan working?</p> <ul style="list-style-type: none"> <li>▶ Are the permitted activity rules working and are they still appropriate for managing land and water resources?</li> <li>▶ What combination of rules and other methods should be used?</li> </ul> <p>What can practically be achieved given the resources available to address consents and compliance issues?</p>



## Biodiversity

### Existing Policy

The Regional Plan does not currently explicitly manage biodiversity, although some of the provisions within particular modules have an indirect impact including:

- ▶ Water – has objectives, policies and rules to avoid adverse effects on aquatic ecosystems, largely through controlling water quality and quantity.
- ▶ River and lake beds – has rules around vegetation clearance, methods for encouraging planting of vegetation and conditions relating to consideration of the effects of structures and other activities on biodiversity.
- ▶ Land and soil – has rules relating to vegetation clearance but generally for the purpose of managing erosion and sediment, which may in turn adversely affect indigenous biodiversity.
- ▶ Air – manages discharges to air including agrichemicals which can have an adverse effect on biodiversity
- ▶ Geothermal – requires consideration of the effects of activities on biodiversity.

### Updates

There have been a number of changes in this area since the existing Regional Plan was produced.

#### **Regional Policy Statement**

The RPS policy demonstrates a more active leadership role for WRC in managing biodiversity across the region.

There is an objective to enable ecosystems and the indigenous biodiversity that ecosystems support to exist in a healthy, functional state. This is supported by a range of policies that include:

- ▶ Maintaining and enhancing indigenous biodiversity through managing adverse effects and providing for enhancement and restoration, including:
  - Developing local indigenous biodiversity strategies with District Councils.
  - Consideration of incentives and use of financial contributions and other funding streams for promotion of indigenous biodiversity outcomes.
  - Establishing an information base for biodiversity in the region.
- ▶ Protecting significant areas of indigenous biodiversity through identifying areas with particular values and managing adverse effects accordingly.
- ▶ Working collaboratively with other stakeholders.
- ▶ Recognising the particular values of the coastal environment in terms of biodiversity and maintaining or enhancing these.

#### **Indigenous Biodiversity NPS**

The Government has released the proposed biodiversity NPS which sets

	<p>out the policies and decision-making framework for the identification and management of indigenous biodiversity outside conservation areas.</p> <p>The proposed NPS contains a list of criteria for identifying areas of indigenous vegetation and habitats of indigenous fauna that are viewed as significant. These areas need to be identified on maps in relevant plans within five years of the NPS taking effect.</p> <p>Plans would need to ensure that there is no net loss of significant indigenous biodiversity.</p>
<p><b>Issues</b></p>	<p>The RPS recognises that there is an issue in the region with declining quality and quantity of natural resources including a decline in indigenous biodiversity.</p> <p>The council has identified the main threats to indigenous biodiversity which include land use change, introduced plants and animals, disease and climatic effects.</p>
<p><b>Initiatives</b></p>	<p>There are some previous studies that have been undertaken, including:</p> <ul style="list-style-type: none"> <li>▶ <b>Areas of Significant Indigenous Vegetation and Habitats of Indigenous Fauna in the Waikato Region</b> – this document contains guidelines on the criteria and determining levels of significance for areas of indigenous biodiversity. This is based on the previous criteria set out in the operative RPS and is now out of date.</li> <li>▶ <b>Restoring Waikato’s Indigenous Biodiversity: Ecological Priorities and Opportunities</b> – this document was produced in 2006 and is also out of date, but highlights some of the key challenges for restoring depleted ecosystems across the region, some of which may still be relevant.</li> </ul>
<p><b>Key Questions</b></p>	<p>What is the role of Waikato Regional Council in managing biodiversity in the region?</p> <p>What are the most significant threats to indigenous biodiversity that need to be addressed?</p> <ul style="list-style-type: none"> <li>▶ How urgent are they?</li> <li>▶ What are the most politically important issues?</li> </ul> <p>How does the current regional plan manage biodiversity and is it effective?</p> <p>What changes need to be made to the regional plan to address the policy direction at the regional and national level?</p> <p>What is the best way to manage threats to indigenous biodiversity?</p> <ul style="list-style-type: none"> <li>▶ Regulatory methods in regional plan</li> <li>▶ Education and advocacy</li> <li>▶ Collaboration with Territorial Authorities</li> </ul> <p>Are there any existing initiatives underway that need to be taken into account when reviewing the plan?</p> <p>What can practically be achieved given the resources available?</p>

## Heritage & Landscapes

### Existing Policy

The existing regional plan does not directly address the issue of landscapes or heritage. Some provisions within the plan have an indirect effect on managing landscapes and heritage, including:

- ▶ Water – discusses the potential impacts of activities on the natural character of water bodies and requires an assessment of natural character when assessing the effects of proposed activities.
- ▶ River and lake beds – similarly recognises that activities in river and lake beds may affect natural character and requires this to be assessed when assessing activities. It also recognises the potential impact of structures on public access and this is included in assessment criteria for particular activities.
- ▶ Land and soil – recognises that land use activities may expose heritage sites or affect outstanding landscapes, natural character or amenity and the effects of these activities should be assessed.
- ▶ Air – recognises the potential amenity effects of discharges to air and controls these in public amenity areas.
- ▶ Geothermal – recognises the potential effects of activities on landscape and amenity values and requires assessment of the effects of activities on cultural values

In general terms, the existing plan manages these resources through controlling activities which may have an indirect impact on landscape or heritage values and including these effects in assessment criteria.

### Updates

Since the existing regional plan was produced, there have been some changes in policy direction for WRC in the areas of heritage and landscapes. The policy direction is largely set by the Regional Policy Statement.

#### **Landscapes**

The policies in the RPS relating to landscape, natural character and amenity are intended to contribute to a range of different objectives, including:

- ▶ Restoring and protecting the health and wellbeing of the Waikato River
- ▶ Managing the coastal environment to protect its features and values
- ▶ Recognising the relationship between tangata whenua and the environment
- ▶ Providing for ecosystems and the indigenous biodiversity that supports them
- ▶ Protecting the values of outstanding natural features and landscapes
- ▶ Maintaining and enhancing the qualities and characteristics of areas valued for their contribution to amenity
- ▶ Managing the coastal environment, wetlands, lakes and rivers and their margins to provide for a range of natural character values
- ▶ Enhancing and not unnecessarily restricting public access to the CMA

and lakes and rivers

The policies that will contribute to achieving these objectives include:

- ▶ Identifying the values and characteristics of outstanding natural features and landscapes using criteria set out in the RPS and protecting these
- ▶ Recognising the landscape values of other areas which should be maintained or enhanced through assessing the impacts of activities on those values
- ▶ Managing activities in the coastal environment, wetlands, lakes and rivers and their margins to protect natural character in line with their status (pristine, high, modified) and enhance where possible
- ▶ Protecting areas of high amenity value, particularly the coastal environment
- ▶ Maintaining and enhancing public access to the coastal environment, lakes and rivers while allowing for restricted access where appropriate

### **Heritage**

The policies in the RPS relating to heritage are intended to contribute to the following objectives:

- ▶ Restoring and protecting the health and wellbeing of the Waikato River
- ▶ Recognising the relationship between tangata whenua and the environment
- ▶ Maintaining and enhancing areas of historic and cultural heritage to retain the identity and integrity of New Zealand's history and culture

This will be achieved through policies that:

- ▶ Manage historic and cultural heritage resources in a collaborative, consistent and integrated way, through:
  - Identifying sites that require protection using criteria set out in the RPS
  - Establishing a region-wide inventory of heritage areas
  - Establishing a regional heritage forum
- ▶ Recognising the relationship of Maori to taonga and helping tangata whenua to identify areas of spiritual or cultural significance, maintain or enhance their relationships and gather appropriate information
- ▶ Protect historic and cultural heritage from inappropriate development through applying assessment criteria that relate to heritage values

## **Issues**

For heritage and landscapes, the protection of these resources is the combined responsibility of both regional and territorial authorities. It is therefore important to identify what the role of the regional Council is in each case.

Heritage and landscape issues cut across all of the activities in the plan.

### **Landscapes**

Protecting outstanding natural features and landscapes, preserving natural character and maintaining public access are all matters of national

	<p>significance under the RMA. Many natural areas including coastal and riparian areas have been modified and few pristine areas remain and there is therefore a need for protection and minimising further adverse effects.</p> <p><b>Heritage</b></p> <p>The management of historic and cultural heritage is a matter of national importance under the RMA. However, the RPS identifies a lack of sufficient information on the heritage resources in the region, which is potentially an impediment to effective management.</p>
<p><b>Initiatives</b></p>	<p>The RPS identifies the areas of Outstanding Natural Features and Landscapes (ONFL) at a regional scale and also includes criteria for assessing landscape values to enable territorial authorities to do the same for locally significant areas. This will ensure that the assessments are consistent across the region.</p> <p>The RPS also identifies criteria for assessing historic and cultural heritage that should be applied consistently across the region.</p>
<p><b>Key Questions</b></p>	<p>What is the role of Waikato Regional Council in managing heritage and landscapes in the region?</p> <p>What are the key issues that need to be addressed and how urgent are they?</p> <p>What is the best way to manage the issues?</p> <ul style="list-style-type: none"> <li>▶ Regulatory methods in regional plan</li> <li>▶ Education and advocacy</li> <li>▶ Collaboration with Territorial Authorities</li> </ul> <p>How does the current regional plan address the management of heritage and landscapes and is it effective?</p> <p>What changes need to be made to the regional plan to address the policy direction set out in the RPS?</p> <p>Are there any existing initiatives underway that need to be taken into account when reviewing the plan?</p> <p>What can practically and functionally be achieved given the resources available and the remit of WRC?</p>

Geothermal	
Existing Policy	<p>The geothermal section of the existing regional plan was developed later than the rest of the plan. The geothermal variation was notified in 2003 and became operative in 2008. It is therefore not required to carry out a review of this section of the plan until 2018.</p> <p>The geothermal section of the plan covers the taking, use and discharge of geothermal water, as well as activities in the vicinity of significant geothermal features. The status of activities in the plan is based on a classification system for geothermal areas which are set out in the RPS. The geothermal systems within the region are mapped in the plan.</p> <p>There are also non-regulatory methods including working with tangata whenua, environmental education programmes, liaising with territorial and neighbouring regional councils and taking an active role in coordinating management of geothermal resources in the region.</p> <p>Some rules in the water section of the plan also relate to geothermal water.</p>
Updates	<p>The proposed Regional Policy Statement (RPS) establishes the policy direction for use of geothermal resource in the region. The general intent in the operative RPS was considered appropriate and the new policy direction is largely in line with this. It involves:</p> <ul style="list-style-type: none"> <li>▶ Sustainable management of the region's geothermal resource through classification of systems, protection of features, allowing use where appropriate and managing the effects of development.</li> <li>▶ Recognising and providing for the relationship of tangata whenua with the geothermal resource.</li> <li>▶ Promoting efficient use of geothermal energy and water, providing environmental education, assisting landowners to protect resources and carrying out research and monitoring to inform decision making.</li> <li>▶ Recognising significant geothermal features within systems and protecting them as appropriate.</li> <li>▶ Specific policies relating to each of the different types of geothermal systems.</li> </ul>
Issues	<p>Geothermal systems have the ability to provide thermal energy and minerals, but also have unique ecosystems and historic and cultural values that need to be protected. The plan therefore needs to set a balance between use of the resource and protection of valued features.</p> <p>The RPS recognises the demand for energy as one of the key issues in the region and this has the potential to put pressure on geothermal resources.</p> <p>One of the key threats to geothermal systems is the impact of other land uses such as subdivision and development, agricultural activity and land drainage.</p>

<b>Initiatives</b>	Monitoring of geothermal resources is carried out by WRC in the region to inform the policy direction and identify key issues.
<b>Key Questions</b>	<p>What are the most significant issues regarding geothermal resources in the region and how urgently do they need to be addressed?</p> <p>What is the current monitoring activity showing?</p> <p>How effective is the current plan in dealing with these issues?</p> <p>Are the existing rules, including permitted activities, still appropriate?</p> <p>Are there any gaps in the plan as a result of the updated policy direction in the RPS or other policies?</p> <p>What is the best way to manage geothermal resources in the region?</p> <ul style="list-style-type: none"> <li>▶ Regulatory methods in regional plan</li> <li>▶ Education and advocacy</li> <li>▶ Liaison with other councils and stakeholders</li> </ul> <p>Are there any existing initiatives underway that need to be taken into account when reviewing the plan?</p>

Air	
Existing Policy	<p>The Regional Plan currently has a module that addresses management of the air resource in the region. The plan has objectives to protect and enhance air quality, manage the effects of particular activities so that they are contained within the site generating them and manage cumulative discharges to air.</p> <p>The provisions in the plan are based on controlling activities that have an adverse effect on air quality, such as direct discharges to air and processing activities that cause discharges to air. There are also non-regulatory methods including monitoring and information gathering and education.</p> <p>Activities managed by other chapters in the plan may also cause discharges to air as a secondary effect, such as dust and odour from soil disturbance or vegetation clearance.</p> <p>At the time of writing the existing regional plan, the level of information regarding air quality was varied. More accurate and up to date information may now be available.</p>
Updates	<p>The key changes in policy direction regarding the management of air quality in the region are signalled in the <b>Regional Policy Statement</b> which contains an objective to manage air quality in a way that:</p> <ul style="list-style-type: none"> <li>▶ Ensures air quality is better than national environmental standards and guidelines and degradation is as low as possible</li> <li>▶ Avoids risks to human health and ecosystems</li> <li>▶ Avoids adverse effects on local amenity values and wellbeing from discharges of particulate matter, smoke, odour and dust</li> <li>▶ Recognises that some areas will have lower amenity than others</li> </ul> <p>This is supported by policies that seek to:</p> <ul style="list-style-type: none"> <li>▶ Improve degraded air quality caused by discharges from home heating appliances and transport</li> <li>▶ Manage discharges to air from other sources to avoid unacceptable risks to human health and keep degradation as low as possible</li> <li>▶ Manage discharges to avoid, remedy or mitigate adverse effects beyond the property boundary</li> </ul> <p>In addition, the Government has released a <b>National Environmental Standard on Air Quality</b> which sets standards for air quality. This was released in 2004 and reviewed in 2011 and may have some implications for the regional plan.</p>
Issues	<p>The RPS recognises that there is an issue in the region with declining quality and quantity of natural resources including a risk to human health from poor air quality caused by fine particulate matter.</p> <p>The main effects of discharges that are addressed in the existing regional</p>



	<p>plan include:</p> <ul style="list-style-type: none"> <li>▶ Odour</li> <li>▶ Particulate matter</li> <li>▶ Products of combustion</li> <li>▶ Chemicals</li> </ul> <p>Air quality varies in different parts of the region and different methods of management may therefore be required.</p>
<b>Initiatives</b>	<p>Air quality monitoring takes place throughout the region.</p> <p>There are commitments at the national level to control emissions to contribute to the wider climate change agenda.</p>
<b>Key Questions</b>	<p>What are the most significant issues regarding air quality in the region and how urgently do they need to be addressed?</p> <p>What is the current monitoring activity showing?</p> <p>How effective is the current plan in dealing with these issues?</p> <p>Are the existing rules, including permitted activities, still appropriate?</p> <p>Are there any gaps in the plan as a result of the updated policy direction in the RPS?</p> <p>What is the impact of the Air Quality NES on the regional plan provisions?</p> <p>What is the best way to manage air quality in the region?</p> <p>Are there any existing initiatives underway that need to be taken into account when reviewing the plan?</p>

Natural Hazards	
<p><b>Existing Policy</b></p>	<p>The existing regional plan does not directly address the issue of natural hazards. Some provisions within the plan are relevant to the management of the effects of natural hazards including:</p> <ul style="list-style-type: none"> <li>▶ Controlling water damming and diversion activities to avoid flooding and adverse land stability effects</li> <li>▶ Controlling discharges to avoid flooding</li> <li>▶ Managing structures to avoid adverse flooding effects</li> <li>▶ Managing land use activities to avoid adverse effects from natural hazards in terms of instability and flooding</li> </ul> <p>These provisions generally relate to managing other activities in the region to minimise the potential for adverse effects caused by natural hazards.</p> <p>Regional council functions under the RMA with regards to natural hazards are around identification of hazards, risk management strategies and provision of information.</p>
<p><b>Updates</b></p>	<p>The proposed <b>Regional Policy Statement (RPS)</b> sets a new policy direction for WRC in terms of managing natural hazards. It includes an objective to reduce the risk to people, property and the environment from natural hazards.</p> <p>The policies and methods set out in the RPS to achieve this objective include:</p> <ul style="list-style-type: none"> <li>▶ Manage natural hazard risk through defining primary hazard zones, undertaking assessments of at risk communities to develop strategies to manage risks and establishing a natural hazards forum.</li> <li>▶ Manage activities to reduce hazard risks including controlling development in primary hazard zones, high risk areas, floodplains and residual risk zones.</li> <li>▶ Considering the risks of high impact, low probability events through working with territorial authorities.</li> </ul> <p>Some of the policies set out in other parts of the RPS also contribute to achieving this objective, particularly those around managing the built environment. These policies are largely about managing the built environment to avoid natural hazard areas including coastal areas. Many of the methods require action from territorial authorities.</p> <p>In addition, the government has proposed a <b>Future Sea Level Rise NES</b> which will set sea level rise projections that should be planned for. This will need to be taken into account when deciding on strategies to manage coastal hazards.</p>
<p><b>Issues</b></p>	<p>Natural hazard threats in the region include inland and coastal flooding, volcanic and geothermal activity, earthquakes, tsunamis, erosion, landslides and subsidence, cyclones and rural fires.</p>

	<p>The most significant issue is to ensure that hazard planning is incorporated into decisions about development in the region.</p> <p>The management of the effects of natural hazards is the combined responsibility of both regional and territorial authorities. It is therefore important to identify what the role of the regional Council is.</p> <p>In general, natural disasters are high on the political agenda at the moment due to recent events in New Zealand and abroad.</p>
<b>Initiatives</b>	<p>There are a number of existing initiatives that WRC are involved in regarding hazard management including risk mitigation plans and strategies for particular events and some specific geographical locations.</p> <p>The identification of primary hazard zones and development of community hazard management strategies is a new area of work for WRC. It is anticipated that this will take a number of years to complete.</p>
<b>Key Questions</b>	<p>What is the role of Waikato Regional Council in managing natural hazards in the region?</p> <p>What are the key activities that need to be managed to address the potential effects of natural hazards?</p> <p>What is the best way to manage these activities?</p> <ul style="list-style-type: none"> <li>▶ Regulatory methods in regional plan</li> <li>▶ Regulatory methods in district plans?</li> <li>▶ Education and advocacy and other non-regulatory methods</li> <li>▶ Collaboration with Territorial Authorities</li> </ul> <p>How effective is the current regional plan in addressing the management of natural hazards?</p> <p>Are there changes that need to be made to the regional plan to give effect to the RPS?</p> <p>Are there any existing initiatives underway that need to be taken into account when reviewing the plan?</p>



## Appendix B

# Workshop Notes

General Approach

Land, Water and Soil – Strategic Direction

Land, Water and Soil – Technical Discussion

Coastal

Biodiversity

Heritage and Landscapes

Geothermal

Air

Natural Hazards



20 June 2011

Project	WRC Regional Plan Policy Effectiveness Review	From	Joanna Brain
Subject	General Approach	Tel	09 368 6226
Venue/Date/Time	Waikato Room, 17/5/2011, 8am	Job No	51/29911/
Copies to	Urlwyn Trebilco Leanne Perry-Meyer		
Attendees	Urlwyn Trebilco (Policy) Leanne Perry Meyer (Policy) Mark Brockelsby (RUG) Caroline Gabolinscy (RUG) Ross Wightman (RUG) Bruce McAuliffe (Policy) Justine Young (Policy) Blair Dickie (Policy) Vicki Carruthers (Policy) Dylan Gardiner (Policy)	Apologies	Brent Sinclair (RUG) Grant Blackie (RUG) David Speirs (RCS) Megan Kettle (Policy)

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### **Workshop Notes**

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#### **Overall Approach to Resource Management in the Regional Plan**

##### *Enabling Approach*

- General feeling is that the plan is quite permissive in a number of areas which was appropriate at the time but may now need to be reviewed
- Need more rules in some areas and tighter rules in others – particularly farming – though the implications of this are potentially 4000 farms that may require consents

##### *Effects Based vs Activity Based Rules*

- Effects based approach currently taken in the plan can make it difficult to assess whether an activity triggers the need for a consent
- This can cause problems with issuing Certificates of Compliance which are sometimes requested when farms change ownership
- Often the effects relate to good management practices not the actual use of the resource or infrastructure involved which can be subjective
- The plan is not purely effects based or activity based, but a combination, which can make it difficult for people to understand

##### *Use of Permitted Activities (PAs)*

- Over 80 permitted activities currently in the plan



## Workshop Notes

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- Permitted activities are needed to free up some activities from RMA restrictions (s12-15) and to allow use of resources where the effects are minimal
- Need a balance between PAs and consented activities
- Research has been done on 6 permitted activities that were found not to be working:
  - Farm animal effluent
  - Vegetation clearance
  - Culverts
  - Bridges
  - Stock in waterways
  - Fertiliser use
- Some of the issues with PAs concern the activity being allowed which may need to be revised, others require less significant changes related to wording
- Some of the main areas where changes to PAs should be considered include:
  - Earthworks (need tightening)
  - Farming (require more restrictions)
  - Wetlands (drainage and excavation needs considering)
- Conditions of PAs can be too complex (eg animal effluent discharges to land) which makes it difficult for people to establish which activities are allowed – need clear thresholds
- Need to recognise the resource implications of fundamentally changing the balance between permitted activities and consented activities
- PAs are hard to monitor and cost money which is not recoverable from resource users – there is therefore a potential economic advantage to have consented activities (eg for dairy farming)

### *Use of Non-regulatory Methods*

- Current plan is balanced and rounded with an emphasis on environmental education
  - Legislation does not require non-regulatory methods to be included – just objectives, policies and rules
  - One view is that the plan should contain regulatory methods only
  - It is important to understand the role of education and behaviour change and how this works in conjunction with regulatory methods
  - Evidence suggests that it doesn't make any difference to the success of non-regulatory methods whether they are included in the plan or not – many of the additional methods in the existing plan have not been implemented
  - Additional methods could be included in other documents such as the Long Term Plan (and
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## **Workshop Notes**

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Annual Plans), an implementation plan, or the Section 32 report

- Key to successful implementation of these methods is to ensure that they are linked to funding and resourcing
- If non-regulatory methods are not included in the plan, it needs to be linked to these to make sure they don't get lost – this recognises that achieving the objectives requires a balance
- In some cases, compliance enforcement is more effective than education – often people are only interested in the environment when consents are being renewed
- In some cases, using a non-regulatory approach hasn't worked and this needs to be changed to regulatory methods
- Need to be able to monitor and track non-regulatory methods (possibly through the RPS implementation plan)

### *Approach to Financial Contributions*

- Financial contributions are not currently used within the plan
- Suggestion that this should be reconsidered as there may be some areas where this could be useful, such as contributions to biodiversity
- This was investigated when the existing plan was prepared and it was found to be inappropriate

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## **Plan Development Process**

- The process used to develop the plan does not necessarily lend itself to the best outcome – rules often get watered down through the process
  - Preference for negotiation to resolve issues rather than arguing the merits of the provisions in court does not always get the best outcome – need a clear approach to what can be negotiated and what can not
  - The Environment Court provides a quality assurance process
  - Need to have practitioners and people who enforce the rules being part of the plan development process
  - Need appropriate timeframes to develop the plan to ensure that the best possible outcomes are achieved
  - The plan development process is now more intense and needs to use best practice
  - The plan development process will require iwi involvement due to co-governance arrangements – as a result the plan will need to reflect iwi values which may require some changes to rules
  - May need to change the way we consent activities, collect data and interact with communities to achieve the desired outcomes – this requires good implementation processes but may also have implications for how the plan is developed
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## Workshop Notes

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### Usability of the Plan

- Plan is primarily a tool for practitioners, not the community, and must be understood by those who implement it
  - May be a different audience for permitted activity rules than for other activities as these need to be understood by resource users
  - Rules are not always enforceable
  - There are some inconsistencies in the existing plan but in general it is practical to use and allows for a consistent approach to resource consents
  - Plan is first and foremost a legal document and rules need to be legally well structured
  - Some of the issues may be addressed through changing the way we manage consents which may require more emphasis on data management and training rather than changes to the plan
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### Structure of the Plan

#### *Separate Regional and Coastal Plan*

- Coastal plan is a unitary plan for the CMA – manages both usual regional and district functions including land use
- Different process for approving the Coastal Plan which needs to be signed off by the Minister for Conservation
- NZCPS and RPS talk about the coastal environment which spans both plans
- Some aspects of the coastal environment are catchment related or land use related and there needs to be integration
- Rules in the coastal plan are more problematic – needs clarity and preciseness
- Coastal plan rules are generally poorer and can be illogical which needs to be dealt with as it is causing a significant issue

*Text in green refers to comments that were raised in the workshop but were not discussed in detail as they were more relevant to the individual coastal topic discussion rather than the general approach. These are addressed in the coastal workshop notes.*

#### *Resource-based Structure*

- The rules in the existing plan are based on activities that are grouped around their effects on particular resources
  - A range of options were considered when developing the plan including using industry sectors and RMA sections and resource based was considered the most appropriate
  - The RPS is structured differently as an integrating tool between the regional plan, district plans and Long Term Plan as well as non-regulatory activities – this doesn't need to affect the regional plan structure
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## Workshop Notes

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- Suggestion that zoning is considered for the coastal plan

### *Inclusions and Exclusions*

- Objectives, policies and rules have to be included – these can be linked to objectives and issues in the RPS
  - It is not necessary to include other aspects such as explanations, reasons and methods though there are some benefits to inclusion of these
  - Plans may not need to list all assessment criteria (such as heritage, landscapes etc) as this can be left to the consent officers through implementation
  - Plan could cross reference to relevant aspects of the RPS (issues, non-regulatory methods)
  - Explanations can help to explain the rationale behind the rule which can help with interpretation of the plan
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## Gaps in the Plan

### *Farming Activities*

- The plan doesn't deal well with the effects of farming activities – this is not strictly a gap as it is covered in the plan but needs to be more restrictive
- Use of sacrifice paddocks is not covered in the plan but becoming an increasing issue
- Scope of effects from farming activities is quite broad and not always covered – for example biodiversity, heritage, landscapes effects – the plan is currently weak on conditions relating to these elements
- Policy group has been asked to prepare a budget and project plan for a variation to the regional plan to deal with diffuse discharges from agricultural activities in the Waikato catchment

*This topic was also discussed in more detail in the land, water and soil strategic direction workshop and the results of these discussions can be found in the workshop notes.*

### *Areas of Overlap with TAs*

- Some topics are not covered in the plan because they are traditionally covered by TAs though the intent in the RPS is to take a more active role in these
  - In some cases, the change in role will require changes to the regional plan, but in many cases this activity will be carried out through other methods
  - The plan needs to include any areas that are relevant
  - The plan needs to be strong on those areas not covered by TAs, such as activities in the CMA, rivers and lakes etc, as well as provisions relating to other areas that are considered relevant to activities controlled by the regional plan
  - Needs to be clear on what control is restricted to in these matters
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## Workshop Notes

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### *Other Gaps in the Plan*

- Biodiversity is a major gap in the plan at present
- Heritage and landscapes are not currently dealt with in any significant way – these may not need to be included as a section in the plan but could be incorporated throughout
- Cultivation is not covered including market gardening, diffuse discharges, soil loss and soil quality
- Waste tyres are becoming an issue
- Discharges from cemeteries are becoming an issue

*These topics are discussed in more detail in the individual topic workshops and summarised in the workshop notes.*

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### **Alignment with Policy Direction**

The main changes in policy direction that affect the overall approach taken in the regional plan were discussed.

#### *Plan Simplification*

- Amendments to RMA are about streamlining the plan development process
- Best practice suggests stripping out all non-regulatory functions and contents not required under the RMA

#### *WRC Strategic Direction*

- Three key elements to strategic direction are sustaining land and water values, facilitating regional development and meeting co-governance requirements
- Implications of this include the need to balance facilitation of regional development and protection of land and water – need to decide where to draw the line
- Facilitating regional development puts more emphasis on Section 32 analysis
- Variation 6 on water allocation may have an impact on facilitating regional development
- Changes to the rules to improve clarity may have an impact on regional development
- Current plan does not unnecessarily restrict economic development
- Greater level of involvement and strengthened role for tangata whenua in resource management may impact on content of the plan and process
- May be some changes to permitted activities to reflect customary activities
- More emphasis on water quality management

#### *Regional Policy Statement*

- Longer term approach to resource management
  - The RPS is more involved in managing land use change in the region – this is a grey area between regional and district councils – though this may not impact significantly on the
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## Workshop Notes

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regional plan as most of the methods are non-regulatory

- Strengthened provisions on water quality management including setting standards and stricter riparian management (land, water and soil)
- Better environmental management planning for rural activities (land, water and soil)
- Wider reference to the coastal environment which spans both regional and coastal plans (coastal)
- Stronger guidance on appropriate activities in the CMA (coastal)
- Some urgency in addressing discrepancies between central government direction (including NZCPS) and existing coastal plan (coastal)
- Protection of high value soils (land, water and soil)

*Text in blue refers to policy changes that were raised in the workshop but were saved for discussion in the individual topic workshops (shown in brackets).*

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## Type of Review

- Review should identify the priorities first and then look at the resources that would be needed to address these rather than be constrained from the start
  - Single coordinated process for the review is better than a staggered, fragmented one
  - There are some areas that can logically be separated such as addressing farming activities or CMA activities
  - It may be better to do one thing right rather than try and do lots of things at once and not do them properly if resources are scarce
  - The scope of any topic based plan change should be well defined but this should not be geographically restrictive – however, in terms of the potential Waikato catchment variation it is important to recognise that there are obligations under the treaty settlement that relate specifically to the Waikato River
  - Priorities will be based on level of political intensity around a particular topic – this will need to be discussed as part of the next phase
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## Other Initiatives, Thoughts and Comments

- Currently doing a study into where the tipping point is in terms of when dairy farming activities become an issue (Tony Fenton) – results of this should be fed into review
  - Water quality variation for farming activities in the Waikato catchment would be a big task and it is difficult to do this across the whole region as it is not a one size fits all approach – targets/limits/rules might be different in each area
  - Need to incorporate NESs in a way that allows for any changes to the NES to be incorporated without requiring a plan change
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20 June 2011

Project	WRC Regional Plan Policy Effectiveness Review	From	Joanna Brain
Subject	Land, Water and Soil Strategic Direction	Tel	09 368 6226
Venue/Date/Time	Waikato Room, 23/5/2011, 8am	Job No	51/29911/
Copies to	Urlwyn Trebilco Leanne Perry-Meyer		
Attendees	Urlwyn Trebilco (Policy) Leanne Perry Meyer (Policy) Grant Blackie (RUG) Mark Brockelsby (RUG) David Stagg (RUG) Justine Young (Policy) Vicki Carruthers (Policy) Bruce McAuliffe (Policy) John Hadfield (RIG) Reece Hill (RIG) Bill Vant (RIG) Megan Wood (RCS) Caroline Gabolinscy (RUG)	Apologies	Alan Campbell (RUG) Jane Leeder (RUG) Kevin Collier (RIG) Dominique Noiton (RIG) Peter Singleton (RIG) David Speirs (RCS)

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## Workshop Notes

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### Changes in Policy Direction and Alignment of Current Plan

#### *Regional Policy Statement*

- Aims to protect the health of fresh water bodies and restore and enhance the values while enabling communities to provide for their wellbeing, manage allocation of water and enhance riparian areas
- This includes keeping water quality at current levels which may require a lot of action
- Recognises that different catchments require different actions and that degradation in some circumstances is acceptable provided it doesn't affect the values, with the exception of the Waikato River where the aim is to restore and enhance

#### *National Policy Statement on Freshwater*

- Requires limits and targets to be set for all water bodies
  - It starts from the perspective of the receiving water body
  - Requirement to implement by 2014, or if this is not possible, take a staged approach to implementation by 2030 – questions were raised over what implementation means (having
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## **Workshop Notes**

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appropriate policies in place or actually achieving goals in relation to water quality)

- Some aspects are already covered by Variation 6 such as setting allocable and environmental flows and efficient use and transfer of water

### *National Policy Statement on Renewable Energy*

- The NPS is not very well linked to the Freshwater NPS
- It doesn't apply to current water allocation processes which are covered in Variation 6
- Potential impact for land and water aspects of the plan are around irrigation, electricity generation and damming and diverting of water
- It discusses off-stream water storage (eg irrigation) vs in-stream water storage (eg damming for electricity)

### *National Environmental Standards*

- Contaminants in Soils NES doesn't cover cadmium – need to check alignment between the NES and RPS
- Sources of Human Drinking Water NES requires plans to not cause degradation of drinking water sources and needs to be recognised in the plan – there are currently protection zones in place but additional rules may be required

### *Strategic Direction*

- Fundamental contrast between facilitating regional development and sustaining land and water values though the perception is that you can have both
- The balance needs to be assessed to decide what is acceptable
- Sustaining the land and water values will require a combination of policy changes and the non-statutory land and water agriculture strategy (formerly Sustainable Agriculture)

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## **Effectiveness of Existing Plan**

### *Water Quality*

- Current plan sets some targets for water bodies but the mechanisms for achieving these don't go far enough
- Use of the classification system is too loose – only need to 'have regard to' it
- Storage of harvested water needs to be addressed
- Plan and variation do not cover the effects of land use on water flow (eg land use change increasing surface water run off)

### *Stormwater*

- Intent is to move towards assessing stormwater effects with a catchment based approach
  - Land use intensification is generally done on an ad hoc basis without catchment management occurring which causes issues, particularly cumulative effects
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## Workshop Notes

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- Currently use Auckland guidelines which are not always viewed as relevant by users – the plan currently refers to Australia/New Zealand standards which are not appropriate
- There is some debate about the role of regional and district or city councils in stormwater management
- Need more monitoring in urban areas as not enough is known at present (water quality and biological monitoring) – ultimately need to set limits such as those agreed with HCC
- Need to consider other receiving environments like the West Coast
- Clear velocity/quantity guidelines are needed
- Specific catchments may be significant and should be identified
- NIWA study suggests that stormwater is a minor issue compared to agriculture though this is based on monitoring data that is over 10 years old
- Generally stormwater is only dealt with through the consenting process and much of the discussion is limited to the effects on water quality and not biophysical effects which is due to the lack of knowledge about this

### *On-site Sewage*

- Rules are generally adequate in this area and not causing a significant issue but could potentially improve management of these rules
- Need to focus on high risk areas where there is potential for effects (eg Futureproof)
- Risk assessments are being done and some monitoring activity has been carried out and this should cover what needs to be addressed in the plan

### *Earthworks and Sediment*

- Permitted activities around earthworks need to be enforced and there are currently some issues occurring with implementation of the current rules and confusion around definitions
- Effects on terrestrial biodiversity as a result of earthworks is a gap in the plan
- Rules need to be set to address erosion and the impact on water clarity as existing rules won't achieve this
- The issue of erosion may be more related to land use change (eg. forestry conversion to pasture) than earthworks which can be addressed – existing pasture is the problem
- Carbon farming is a potential gap in the plan
- Need to address keeping soil in situ as set out in the RPS

### *River and Lake Beds*

- Drainage of wetlands is a major area of concern that is not dealt with sufficiently in the existing plan – however the resources required to monitor this mean that it may not be effective even if rules are included
- Structures rules need reviewing as some of the limits are not working



## Workshop Notes

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- Some consent requirements for structures could be revised to allow structures that have been consented for 35 years to fall back to a permitted activity after construction, provided they comply with particular standards

### *Point Source Discharges*

- Plan is currently strong on point source discharges but this may be irrelevant if diffuse discharges are not dealt with
- New point source discharges are not always managed well but this is due to implementation rather than the plan – this should be manageable through consenting process
- The general approach taken in the regional plan does not comply with the ‘this much and no more’ approach to managing discharges (as indicated in the NPS) – introduction of limits will deal with this but may lead to a system of trade offs when new discharges are required (eg cap and trade scheme in the US)
- Need a clear mechanism to achieve this, possibly through the consents process on a ‘first come first served’ basis

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## Current Variations and Initiatives

### *Variation 5 – Taupo Catchment*

- Sets an absolute limit for the capacity of the receiving water for nitrogen capping this at the property level
- Overall aim is to maintain the water quality at the current levels, recognising that if there are no changes and land use stays the same, the water quality will get worse – this was driven by community expectations
- Sets a time bound numerical limit and focuses on the receiving environment which is different from other aspects of the plan
- The variation demonstrated the importance of thinking about community drivers for water quality
- Complexity of Variation 5, which only focused on one issue, was noted

### *Variation 6 – Water Allocation*

- Scoping for Variation 6 started in 2003 and the variation is currently in front of the Environment Court
  - The variation sets environmental flows for surface water and also looks at ground water and sets rules for allocating water based on priority (domestic and municipal supply first, then existing uses, then new uses)
  - RPS reflects the approach taken in Variation 6
  - Some aspects of the original proposal were removed through the process such as the priority system and common expiry dates on consents
  - Currently being reviewed against the NPS which is likely to result in some changes and
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## Workshop Notes

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supplementary planning evidence presented at the hearing including:

- Potential issues with domestic and municipal supply priority status
- Current plan allows over allocation in some circumstances which the NPS does not
- Lake and wetland levels are not set for all water bodies
- Variation doesn't deal with storage which is a separate issue that needs to be covered
- Immediate implications from 1<sup>st</sup> July 2011 relate to not granting any consents that will cause over allocation

### *Waikato Catchment Variation*

- New piece of work requested by Council resulting from the Renew Workshop on 30th March
  - Purpose of the work is to achieve the Vision and Strategy for the Waikato River
  - Currently only proposing to look at the one catchment which may lead to displacement of the problem to other areas
  - It is also proposed to set limits for all water bodies but not incorporate these into policy at this stage
  - This requires the values to be translated into targets and limits which may be different at different points along the river
  - This is a long term project that will result in something between the current classification system and the type of rules in Variation 5 – this needs to incorporate a view of the standards in the classification
  - The scope of the plan change is not clearly defined but covers those permitted activities that are currently causing a problem and other areas that are currently missing from the plan
  - Could have limits on livestock such as Horizons which would apply to all new dairy farms
  - Council are generally in agreement that diffuse sources of contaminants are the key concern and that tackling agriculture and behaviour change is the way to address this but there are mixed views on how to do it
  - Iwi and dairy industry view of the problem may be different to that of Council, though central government are generally aligned with the Council view – industry generally concerned with the scale and pace of change
  - A technical forum is proposed as part of the land and water agriculture strategy, which will feed into this work, comprising economists and scientists including dairy industry representatives
  - Need to reach agreement on what the problem is first and what the Council is trying to achieve and then ascertain how to do this
  - Ability to set limits for the whole region would be based on available resources though this could be done by cutting the region into sections or done at a high level that is then broken
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## Workshop Notes

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down to a sub-catchment level

- This will need to be a staged process that involves assessing the classification system to check that this is still relevant, setting a target to maintain water quality standards at the present level, identifying the methods needed to make this happen and then trying to improve water quality – this approach may be controversial with stakeholders as it takes time
- Limited understanding from the community of how much work is needed just to keep water quality at the current levels
- The approach to setting standards needs to be simple and aligned to community aspirations
- May not be ready at this stage to incorporate regulatory changes as there is still a lot that is not known

### *Land and Water Agriculture Strategy (Sustainable Agriculture)*

- The strategy is outcomes based and aims to achieve a number of goals in relation to creating a sustainable agricultural industry in the Waikato Region
- It aims to achieve a common understanding of the role of WRC in agriculture across Council to align thinking so that land and water objectives can be achieved
- The strategy will guide the regional plan to an extent and is now approved by Council (meeting of Policy and Strategy committee 9th June 2011)

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## Other Initiatives and Trends

- Need an implementation plan that recognises the cost of all the required activities
- Existing initiatives underway include:
  - Carbon Strategy
  - Cadmium Working Group
- Increasing demands for energy need to be investigated in more detail
- Mining in the region is likely to be an increasing issue

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## Urgency and Prioritisation

- Most urgent area is addressing diffuse contaminants from agriculture as a priority
  - There is a significant cost to addressing all of the areas though a number will need to be done to implement the NPS
  - Addressing high class soils and peat soils are a priority due to the irreversibility of the effects
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20 June 2011

Project	WRC Regional Plan Policy Effectiveness Review	From	Joanna Brain
Subject	Land, Water and Soil Technical Discussion	Tel	09 368 6226
Venue/Date/Time	Council Chambers, 24/5/2011, 9am	Job No	51/29911/
Copies to	Urlwyn Trebilco Leanne Perry-Meyer		
Attendees	Urlwyn Trebilco (Policy) Leanne Perry Meyer (Policy) Grant Blackie (RUG) Mark Brockelsby (RUG) Jane Leeder (RUG) Ross Wightman (RUG) Ross Abercrombie (RUG) Bruce McAuliffe (Policy) Kevin Collins (Biosecurity)	Apologies	Dylan Gardiner (Policy) David Stagg (RUG) David Speirs (RCS)

### **Workshop Notes**

*This workshop followed on from the land, water and soil strategic direction discussion and some of the areas discussed overlap with those discussed in that workshop. The intent of this workshop was to focus on the more technical aspects of the plan review rather than the overall policy direction but the outcomes of the previous discussion are relevant to this discussion.*

### **Existing Regional Plan Issues**

#### *Water Quality*

- Water classification system used for technical assessments and consents may not be sufficient to set detailed limits – could tighten up the standards so that consent applicants must do more than ‘have regard to’ them
- Classifications were originally done as a desk top exercise – need to be ground truthed and updated with more modelling knowledge for nutrients and sediment and predictive models of fish distribution
- Clarifications of standards and management objectives behind the classifications would help – requires some tweaking to the system, not a complete overhaul
- Some issue with the current maps
- Some issues with connectivity between classes with some cases where higher standards are required downstream than upstream

#### *Stock in Water Bodies*

- Some problems with both the maps and the rules and reliance on the water classification



## Workshop Notes

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system

- Rules need more clarity – should restrict stock being in waterways rather than the effects of this and be clear what kinds of stock are a problem (horses, deer etc)
- Needs to include stock exclusion in the CMA in the coastal plan
- Stock management systems need to be reviewed

### *Agriculture*

- Mix of wording issues and implementation issues
- General aversion to consents in farming industry so most try to operate under PA rules though in some cases it is not possible to meet the conditions this requires – farmers with consents are generally easier to work with
- Some resource users seek advice but WRC does not offer an advice service
- Don't have sufficient resources to identify the high risk areas which would allow focus to be directed to these areas – need to start identifying catchments where certain things are issues (sensitive catchments) and re-categorise risks to certain areas with different rules for different areas
- Effluent rules have interpretation issues – a good treatment system often works better than not discharging effluent to land
- Discrepancy between the risk profile of farmers and that used by WRC (AgResearch)
- Practical reality is that consenting currently permitted agricultural activities would involve The volume of dairy farms is what causes the issue – need comprehensive consents for farms that deal with a number of pollutants
- granting consents for 4,206 dairy farms and 3,400 water allocation consents

### *Native Vegetation*

- Clearance rules need to be reassessed as the plan is currently vegetation neutral leaving the management to District Plans
- Historically, rules have only applied where the biodiversity of water is involved
- SNAs are mapped in the RPS and need to be enforced by the Districts

### *Earthworks*

- PA rules are problematic with arbitrary limits based on the scale of earthworks rather than looking at areas of high risk - often tackled using stormwater rules

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## Suggested Changes to the Plan

### *Gaps in the Current Plan*

- Pine to pasture is a significant issue that needs to be addressed
  - There is a lack of rules on cultivation and this issue is not adequately covered
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## **Workshop Notes**

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- Not enough constraints on land drainage activities
- Management of waste tyres is an emerging issues that need to be addressed
- New or expanding cemeteries need to be managed to avoid effects on soil and water quality
- Discharges of Stock Truck Effluent is becoming an increasing issue with effluent falling off trucks and pressurised cabins
- Use of sacrifice paddocks is the practice of saving other paddocks by putting all stock in one area which causes problems for soil, nutrients, waterways and effectively becomes a point source discharge – not currently addressed by the plan

### *Minor Changes to Plan*

- A number of easy fixes have been made through previous variations but there are more continuously being raised
- Suggestion was made that some kind of guidance document may be useful for practitioners – there was previously an FAQ document about interpretation – some questioned whether this should be in the plan
- References in the plan need to be checked as some refer to old publications

### *Forestry*

- Forestry rules should be updated following the release of the NES – expected in the next year – as any changes to the land use rules will be overridden by the NES
- The NES may result in less work needing to be done in this area as the standards will be set at the national level
- May require more leniency than the existing rules as there can't be more stringent rules in the plan than the NES

### *Water Quality*

- Water quality classifications should be reviewed and assessed against the values in the RPS
- Strong policy guidance is needed to interpret NPS Freshwater requirements though this is likely to result in a number of changes
- Quality limits can be used as a 'pollute up to' level and consent applicants may use this argument – need to make sure the policy framework discourages this
- Need property level targets that are understandable
- Permitted activity status for agricultural activities involving discharges should all be reviewed

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## **Changes to Specific Rules**

### *PA for Discharge of Dairy Effluent*

- Storage areas to be sealed is unenforceable – it is cheaper to build a new pond than prove that it is sealed
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## Workshop Notes

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- Rule 3.5.5.c contains two conditions together and the 20m rule often gets lost
- Need to define farm dairy effluent
- Clarification required regarding 'application rate'
- Clarification of nitrogen loading – not clear if this is total loading or effluent and fertiliser

### *PA for Extraction of Bed Material*

- Rules contradict each other and need to be fixed

### *PA for Earthworks*

- Earthworks are a permitted activity in accordance with the guidelines but the guidelines may need to be updated

### *Suspended Sediment Standards*

- Gap in the rules – no standards for Waikato Surface Water Class

### *Culverts*

- PA rules need to be looked at for farming activities relating to culverts
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## General Use of the Plan

*This section of the discussion overlaps with some of the discussion held in the general approach workshop though in this case the issues are approached from a more technical perspective than a philosophical approach.*

### *Permitted Activity Rules*

- Biggest issue is conditions that are effects based and therefore hard to understand or prove – this is highlighted by COCs which are generally not issued as they are hard to assess
- Need conditions that are quantifiable as they are easier to enforce and give more certainty to the operator
- Conditions should be focused around the tasks required to minimise the effects rather than the effects themselves
- Needs to be greater consideration of what activities should be permitted and what should be covered in conditions – the same applies to controlled activities
- Matters that define the status of the activity need to be clear – Variation 5 is a good example of this
- Some PA rules have notification requirements which becomes an issue as people have expectations that the information will be recorded, it adds an administrative burden for no real benefit, and any activity that hasn't been notified is therefore non-complying

### *Use of non-regulatory methods*

- Need a full suite of methods including education though there are no incentive mechanisms any more
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## Workshop Notes

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- Just using regulation will not be successful but need to make sure that the other methods actually happen – often this is based on the drive of individuals
- General Council intent is that voluntary methods are carried out by industry such as Fonterra, Dairy NZ etc – though concern is that their goals may be different to WRCs
- Need incentives for best practice – could potentially use incentives for complying with regulation such as a rebate on rates or monitoring costs – potentially take money from those who don't comply and give it to those who do
- OAG report suggests that non-regulatory methods are not effective
- Requires the right rule framework first where it is clearly defined what the plan is asking people to do
- In some cases, rules are not the most effective method, particularly if people are not aware of them or they are not able to be monitored or enforceable

### *Financial Contributions*

- The plan can provide for financial contributions which can go into locally or regionally contested funds - S108 conditions only cover works and services, not money
  - Some existing reports on this were done as part of the plan development and may need to be revisited
  - This is often seen as too hard due to the intangible nature of the issues and the lack of ability to link directly from the activities to the effects
  - Some allowance for offsets is included in the RPS – this is different to financial contributions
  - A good example is the non-compliance charge that Horizons use
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20 June 2011

Project	WRC Regional Plan Policy Effectiveness Review	From	Joanna Brain
Subject	Coastal	Tel	09 368 6226
Venue/Date/Time	Waikato Room, 26/5/2011, 8am	Job No	51/29911/
Copies to	Urlwyn Trebilco Leanne Perry-Meyer		
Attendees	Urlwyn Trebilco (Policy) Leanne Perry Meyer (Policy) Wendy Bell (RUG) Amy Robinson (RUG) Graeme Silver (Policy) Brent Sinclair (RUG) Vernon Pickett (RIG) Vicki Carruthers (Policy) Ursula Lehr (Policy) Mark Brockelsby (RUG)	Apologies	Ruben Wylie (RUG) Matthew Vare (Policy)

## Workshop Notes

### Format and Structure of Coastal Plan

#### *General Approach in Coastal Plan*

- Structure of the plan is easy to use with rules separate from objectives and policies – these do need to be cross-referenced though policies are generally cross cutting across all rules
- The information base for the plan is not well developed but more information is now known than was available at the time the plan was written – suggested approach would be to pull in all of the new information about the coastal area and use a zoning approach to map different areas
- Needs to recognise that the wording of Section 12 is different from Section 15 – based on effects threshold which is difficult to interpret – need to be clear about which activities are being controlled and which are not – if the plan is silent on an activity it becomes non-complying
- For enforcement purposes, arguments are often based on the RMA and not the plan itself – if there is no ability to measure environmental effects it makes it difficult to enforce and cause and effect is hard to prove
- Need to be clear on what activities are being controlled by the plan – about maintaining flexibility while giving certainty to users
- Precautionary principle needs to deal with the issue of uncertainty, which should be done



## Workshop Notes

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through the activities that are controlled – this is backed up in the NZCPS

- There is a big discrepancy between what people think the plan says and what it actually says
- Removal of non-regulatory methods from the plan (as discussed in the general approach workshop) raised some concern around implementation – will non-regulatory methods be carried out through LTP and annual plan processes or s32 report and operational plans – many of the existing non-regulatory methods are ignored

### *Separate Coastal and Regional Plans*

- Overall view is that it doesn't really matter whether there is one plan or two provided there is an integrated approach to managing the coastal environment – biggest issue with a combined plan would be the size of it
- Suggestion was made for a coastal environment plan with policies related to both the CMA and landward area
- Risk of having a separate plan is that consents assessed under the regional plan are not assessed against the coastal plan as people forget that policies may be relevant
- Could have two plans with identical rules, policies and objectives to address combined issues in both – though this would involve significant duplication
- Any decision needs to recognise the different sign off process for the Coastal Plan (which must be approved by the Minister of Conservation)
- The Coastal Plan is only concerned with the CMA and not the coastal environment and this element is missing from the current plans - could potentially have a CMA section to the plan and a coastal environment section
- Practical issue around reviewing both plans at once and the resources required
- If the plans remain separate it would be useful to have a similar format for both

*This discussion contains some overlap with the general approach workshop and both workshop notes contain a summary on this issue.*

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## Issues with Existing Coastal Plan

### *General Issues*

- State of the environment is often unknown in the coastal area which is the largest impediment to a review of policy effectiveness
  - There are some one-off studies by NIWA and some qualitative assessments are carried out (eg sedimentation) but need to invest in long term monitoring
  - One of the main issues is integration between the regional and coastal plans, making sure that the regional plan has rules to minimise the effects of activities on land on the coastal area
  - RUG have a document summarising usability issues in the Coastal Plan which should form part of any review
  - ASCV plans cause difficulty as the assumption is that areas outside this are not significant –
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## Workshop Notes

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originally come from DOC and the purpose they were used for is no longer required so these no longer need to be included

- Overall need a broader policy framework (could be based on the RPS) as it is currently too narrow - in practice staff refer back to MfE guidance which could be included as policy

### *Moorings*

- This is a big issue with constant pressure for more moorings
- The current policy does not control these well – some areas are zoned for moorings but outside these areas the rules are not very tight and difficult to decline as there is no cap or classification
- Currently the plan is too strict on reorganising moorings within harbours – for example when sedimentation issues arise following a storm event harbourmasters do not have the discretion to move moorings
- Policy framework for defining locations for moorings needs to be based on communities
- Permitted baseline is anchored boats – missing some decent policy around occupation – though fundamental question is does WRC want to control where people park their boats?
- There are also associated waste issues but these are unenforceable
- A review of moorings is currently being carried out which should be included in any review

### *Protection Structures*

- Coastal protection structures are viewed differently to other structures by the community but the plan treats them all the same
- The issue depends on the type of structure and where it is – for example sea walls at Buffalo Beach are a problem
- Questions are raised over the private vs public benefit of these structures – currently missing a strategy around coastal erosion and private property rights
- Backstop walls are often used as a roundabout way of getting sea walls in but can cause problems longer term as erosion occurs
- Policy in the NZCPS could be used to support the tightening up of these rules

### *Pest Species*

- Question is often raised about having a more permissive regime for control or removal of pests (eg mangroves)
- This could be dealt with through areas zoning, though there may not be the science to be able to back this up such as identifying what level of mangroves is needed
- Some policies in the NZCPS may help to provide more clarity on this

### *Water Quality*

- Lack of consistent measures in the CMA and poorly written rules and policies mean that this



## Workshop Notes

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is not clearly understood

- There is a lack of information on marine water quality and presumption that dilution is sufficient
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## Changes in Policy Direction and Alignment of Coastal Plan

### *Regional Policy Statement*

- Requires integration of policies to protect the coastal environment which has implications for the coastal plan and regional plan
- Stronger provisions on protecting natural character which will need to be incorporated
- Planning for the effects of sea level rise and more severe weather events is required and currently covered through existing conditions and assessment criteria – may need stronger policy direction
- More direct role in managing land use functions in primary hazard zones which will include coastal areas

### *New Zealand Coastal Policy Statement (NZCPS)*

- The new NZCPS is more descriptive and prescriptive than the previous iteration with more requirements for assessment and monitoring
  - Distinguishes between Outstanding Natural Features and Landscapes (based on aesthetics, appearance and visual amenity) and natural character (the degree to which it has been modified) though some of the criteria are the same – requirement to identify these areas
  - Mapping of the coastal environment in the RPS may be sufficient to meet this requirement though districts will need to do this at the property level
  - Some wording tweaks will be required to give effect to the NZCPS
  - Requirement to protect surf breaks of national significance – not sure how to implement this
  - Specifies need to identify activities to control harmful aquatic organisms
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## Emerging Coastal Issues to be Addressed

### *Marine Energy*

- Renewable energy demands are increasing and presumption is that the West Coast will be the key location for this, focused on harbour mouths etc (implications from Renewable Energy NPS)
  - Most likely energy source is wind but this is cost prohibitive at present, wave technology is being investigated but is not ready yet – both could have implications for the CMA
  - Although there are no rules that cover this activity explicitly, there are existing rules that could be used to assess an application and these may need to be broadened – the bigger issue is missing policy framework around the rules to guide decision making
  - Some existing rules around tidal generation, considering habitat and ecological effects, but
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## Workshop Notes

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require policy to support these

### *Seabed Mining*

- This includes drilling, extraction etc – there are rules to capture it but no clear policy direction
- No permits are required for exploration as these are granted by MED as the government control access to looking for minerals
- Plan is effects based looking at the volume of disturbance (including dredging) – potential gap where there is no disturbance but there is an effect on marine life (eg sonic exploration)
- No rules about burning or discharges to air in the CMA or noise limits
- Potential for these activities is increasing so needs to be addressed
- Better policies would be helpful as long as they are giving a clear direction and not just suggesting things that should be taken into account

### *Increasing Conflict Between Uses*

- Intensification of activities on land causes effects in the coastal area and these need to be linked back
- Need criteria and guidance on conflicting uses such as spaces identified for particular types of activities – stronger guidance is needed on what can happen where
- Marine based spatial planning has been raised as an option (eg Hauraki) – likely that this will result in a strategy for the region and then a plan for the Hauraki Gulf – this will need to be combined with Auckland so the timetable may be outside WRC control

### *Aquaculture*

- Increasing issue with potential for more development of the industry
  - Some information on effects exists (for example shellfish farming) but it is not always accurate
  - There is some commitment for an investment marine management model for the Firth of Thames which should give some more information – critical parameters, salinity, temperature gradient, nutrient changes
  - Existing data is available from monitoring of existing Wilson Bay zones – need to use consent conditions to get information (data not reports) with a policy level commitment to how important this is
  - May need to get consent applicants to pay for monitoring
  - Fish farming is relatively new for the region and this may go to the EPA for approval
  - Current plan sets the zones for aquaculture but is lacking an aquaculture strategy looking at the values that need protection, identifying constraints and appropriate locations – likely that this will also be addressed in the next stage RMA reforms which may change priority
  - District plans will also have a role to play in terms of supporting infrastructure
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## **Workshop Notes**

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General consensus is that changes to the plan for the coastal environment could wait until after the agricultural plan review currently being considered as in most cases there is a significant amount of work to be carried out before any regulatory changes can be made.

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### **Gaps in the Plan**

#### *General*

- Perception is that the current plan does not manage the coastal environment well including problems with structures above MHWS, houses built in fore dune areas and managing land uses that affect the coastal environment – high risk erosion rules are most relevant to addressing this issue but the definition of these areas is too tight
- Needs to address hazards particularly as district councils have problems with existing use rights that regional councils do not
- Does not currently deal with areas of outstanding natural character, which is different from natural features and landscapes – significant natural areas are being looked at but there need to be more specific policies and rules for these areas
- A question was raised about whether occupation charging can be used – the issue of financial contributions needs to be revisited for the whole plan
- The regulatory regime covers the assessment of cumulative effects and the mechanism is there but this needs policy commitment and the science behind it – not sure if we have the ability to fully address this at present

#### *Unlawful and Abandoned Structures*

- NZCPS requires these structures to be removed
- Main issue is use of bonds requiring structures to be maintained which is ad hoc at the moment
- Could potentially require resource consents – there is a current rule but it is not enforced and structures are only dealt with as they become an issue – this would be a significant undertaking
- Suggestion of permitted activity for indefinite occupation which could have criteria for occupying public space

#### *Areas where improvements could be made to the plan*

- Stock exclusion in CMA
  - Addressing biodiversity
  - Clearer policy on vehicle access to CMA
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20 June 2011

Project	WRC Regional Plan Policy Effectiveness Review	From	Joanna Brain
Subject	Biodiversity	Tel	09 368 6226
Venue/Date/Time	Council Chambers, 30/5/2011, 9am	Job No	51/29911/
Copies to	Leanne Perry-Meyer Urlwyn Trebilco		
Attendees	Urlwyn Trebilco (Policy) Leanne Perry Meyer (Policy) Grant Blackie (RUG) Matthew Vare (Policy) Catherine Beard (RIG) Bruno David (RIG) Judy van Rossem (Biosecurity) Kevin Collins (Biosecurity)	Apologies	Mark Brockelsby (RUG) Vicki Carruthers (Policy)

## Workshop Notes

### Biodiversity and the Role of WRC

#### *Biodiversity and Ecosystem Functions*

- Important to recognise the difference between ecosystem function and biodiversity
- Function of WRC is to maintain indigenous biodiversity (based in legislation) and this can mean that systems and functions get forgotten
- Biodiversity should be managed through components of ecosystem functioning as you can't depart from ecosystem function integrity
- Some places without significant biodiversity are just as important (eg rare ecosystem types) and some perform an important function in supporting others - need to manage both significant biodiversity but also other areas that perform a significant function
- Significant natural areas (SNAs) are a subset of biodiversity but it needs to be recognised that these don't live in isolation
- It is less easier to link water based ecosystems than terrestrial ecosystems but the linkages are still important

#### *Role of WRC*

- To remind people of whole ecosystem function and interconnectedness and services that are provided – often these services are taken for granted because they are provided for free
- RPS sets out functions with TAs managing land use and WRC managing water and coastal biodiversity – it also includes a role for WRC leading on information gathering and monitoring



## **Workshop Notes**

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(SNA project)

- WRC has a coordinating role working across the region to make the process more effective
  - Also have a role in terms of making sure that districts deliver on their role as set out in the RPS – through education and cooperation but also plan reviews and court processes if necessary – however there is a need to get the regional plan in order first
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## **Biodiversity Issues**

### *Declining State of Biodiversity*

- Often don't know the existing state with biodiversity
- Some rarer ecosystem types are already under the threshold where they are becoming endangered – can be affected by activities in other regions (eg North Island Strategic Alliance)
- Science suggests that biodiversity decline is reaching a tipping point which could be irreversible
- Loss of biodiversity reduces ecosystem services which is a loss of economic value to the region and a good investment to maintain it now
- Flows, oxygen etc – not the same levels as they used to be
- Need appropriate land use in areas that will impact on coastal biodiversity
- Pathways to achieving objectives are more direct for vegetation but more indirect for ecosystems

### *Vegetation Clearance and Planting*

- It is not known whether there is wholesale clearance of vegetation as it is a permitted activity
- Lack of riparian vegetation on farms is an issue and need rules for mitigation of vegetation removal that involves planting
- Land use change from forest to farming is an issue – though this is about protection of riparian vegetation – loss of riparian vegetation leads to loss of in-stream vegetation (due to nutrient loss causing weeds resulting in spraying) which can have knock on effects
- Don't get overall biodiversity benefits from planting unless it is at a large enough scale
- Priority is firstly to protect vegetation and then get rid of weeds and pests
- Clearance of weeds around drains may cause compliance issues

### *Wetlands*

- Wetlands are a receiving environment and can be affected by upstream activities
  - Drainage around wetlands and the immediate margins is an issue and it is difficult to know when levels have been changed
  - Increasing issue with pest species in wetlands – need to be strategic about re-establishing
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## Workshop Notes

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connections as don't want to spread certain species

- This is an urgent issue as wetlands are down to around 7% of their extent – mostly caused by drainage which needs to be controlled
- SNAs only pick up wetlands over 0.5h
- Issue with Fish and Game using wetlands to create ponds
- This is a nationally significant issue as Waikato is the stronghold for wetlands

### *Indirect Effects of other Activities on Biodiversity*

- Indirect effect on biodiversity caused by activities being carried out to manage natural hazard events and flooding – managing in an unbalanced way towards farming - may be a flood protection management issue
- May require changing the way we manage floodplains for example

### *Management of Biodiversity*

- Requires a high level of coordination
- Cost of monitoring for permitted activities is prohibitively high and may need to be changed
- Often, conditions that affect biodiversity are caused by farming and this should therefore be incorporated into consents for farming activities

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## Issues with Existing Plan and Changes Required

- Currently absent from the plan though legislative responsibilities have changed significantly

### *Vegetation Clearance (including Riparian Vegetation)*

- Rules are quite permissive in terms of what you can do on sloping land as long as it is not near water – district plans may or may not pick this up – policy should be able to protect this as much as possible
- Could have separate rules around native and non-native vegetation but this depends on what is needed
- More stringent rules around vegetation clearance required – can be argued this is needed for water quality – some riparian vegetation clearance is allowed as a PA but even small lengths of riparian vegetation can be important
- Issues around what constitutes riparian vegetation – for example reliance on the beds of lakes or rivers rules which don't include artificial watercourses – need to consider whether it is hydrologically linked
- Exclusion for plantation forestry – gap in the existing rules
- Need a rule in the plan which triggers an assessment of the biodiversity effects and allows a consent to be turned down on this basis
- Could have regulations through farming which allows the activity provided there is planting etc, plus use of incentives



## Workshop Notes

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- Need to provide advice and use other methods – we know what needs to be done in terms of planting but could also prioritise where this is needed
- Priorities for riparian management are best worked out on a case by case basis using criteria such as existing values, existing protection, potential values etc
- RPMS does not focus on promoting biodiversity – regional plan may be able to help to do this through restricting clearance and other methods such as guidance on best practice for weed reduction (for example when undertaking earthworks looking at leaving areas bare, spreading by machinery etc)
- Plan should not undermine other activities (eg vegetation clearance vs clean streams)
- Potential to use council owned land as demonstration sites – behaviour change can't be done through rules and requires regulatory incentives

### *Aquatic biodiversity*

- No protection for aquatic invertebrates and fish in legislation (unlike birds and vegetation) – WRC remit allows controls on this and decision is needed on how this is done – needs to be enforceable
- Priority is to address natural watercourses first and work through the catchment from the headwaters to the end zone then prioritise the sequences and systems - lowland lakes, estuaries etc are a good barometer
- Need control of new barriers (eg flood gates)
- DOC controlled land is a good place to start – can prioritise these areas as they may get more benefits

### *Wetlands*

- Rules relating to wetlands currently found in three different parts of the plan which make it hard to manage
- Protection of wetlands is generally very weak - existing plan has restrictions around existing wetlands and peat lakes but there are issues with hydrological connections – need to recognise links between lakes and wetlands as they are part of the lake system
- Generally 500m is used as a buffer zone to protect wetlands but this varies depending on individual circumstances – current plan uses 200m
- Needs to manage the activity rather than the effects to make it clear what is being managed and what is not
- Need vegetation rules linked to wetlands to address the issue of pest species
- Need to link activities that require consents with mitigation to improve wetlands (offsetting)
- Stock access to wetlands should be restricted
- Could completely protect RAMSAR wetlands





## **Workshop Notes**

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### *Culverts*

- Culverts need to allow fish passage – issue is with existing structures that don't meet standards or comply with PA conditions
- Some hydro-power schemes have indirect effects on fish passage that might not have been considered (eg diverting fish into other areas) – need ability to assess these effects

### *Coastal biodiversity*

- NZCPS has policies around biodiversity that are more stringent than the NPS and need to be incorporated into the plan
- Stock exclusion rules in CMA need updating – issue is whether this is around fencing or exclusion
- Habitat changes caused by sea level rise need to be addressed – need to think about habitat migration and where hard structures may limit this
- Consider connection between ecosystem services and how they might protect against hazard impacts – an additional role in terms of performing a function to avoid natural hazards
- Can we allow areas to revert back through the plan?

### *Information Gathering*

- Lack of data around biological issues – need to use consents to collect more data on effects (eg windfarms, land use conversions)
  - Need to improve consistency in how data is collected
- 

## **Changes in Policy Direction**

### *NPS on Indigenous Biodiversity*

- Requires no net less of indigenous biodiversity
- Issue is that the regional council has a responsibility to manage biodiversity but does not have the function unless it is clearly linked to an issue such as water quality
- Land use change can easily be linked to water quality

### *NES Plantation Forestry*

- Everything is permitted and resource consent requirements can be more restrictive in terms of biodiversity but not water quality

### *Regional Policy Statement*

- Requires mapping of SNAs – these can then be linked to regional plan rules around vegetation clearance, earthworks, tracking and land use
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## **Current Initiatives**

### *SNA Project*

- Identify where the asset is, the significance of the asset, functions/corridors and then
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## **Workshop Notes**

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monitoring

- WRC will continue to play the same role but with different tools and more information from the SNA project
  - Half way through gathering information
  - SNA information is based on desktop approach which is the first step – more detail is required from the TAs and possibly from the consenting process
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## **Priorities**

- Biodiversity issues need to be addressed across the whole plan
  - Riparian planting and control of nutrients would address a lot of the biodiversity issues in coastal areas and integrated lakes and wetlands – however this will not solve problems with isolated wetlands or terrestrial ecology
  - Fencing and planting must go together
  - Should be perceived as an investment in ecosystem services, not a cost
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20 June 2011

Project	WRC Regional Plan Policy Effectiveness Review	From	Joanna Brain
Subject	Heritage and Landscapes	Tel	09 368 6226
Venue/Date/Time	Waikato Room, 31/5/2011, 8am	Job No	51/29911/
Copies to	Leanne Perry-Meyer Urlwyn Trebilco		
Attendees	Urlwyn Trebilco (Policy) Leanne Perry Meyer (Policy) Kevin Collins (Biosecurity) Dylan Gardiner (Policy) Yanbin Deng (RIG)	Apologies	Brent Sinclair (RUG) Mark Brockelsby (RUG) Peter Singleton (RIG)

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## Workshop Notes

### Understanding of Heritage and Landscapes and WRC Role

- Both heritage and landscapes have a high level of importance under the RMA as matters of national significance
- The role of WRC is unclear and the council is not clear on what it wants to do in this area

#### *Heritage*

- Operative RPS distinguishes between natural heritage and historic heritage which is missing from the proposed RPS and the plan – natural heritage is potentially picked up through other areas of the plan
- Natural heritage is different to historic heritage – natural heritage is easier to manage as WRC has an existing mental model for this
- Lack sufficient knowledge of what heritage existing in the districts and a range of ways of managing heritage currently
- Historic heritage may not be managed through the regional plan – natural heritage has a scientific base whereas historic and cultural heritage is value based and subjective
- Cultural heritage more likely to be politically important than landscapes and historic heritage

#### *Landscapes*

- Know less about amenity values than other areas such as ONFLs as they are more localised and individualistic

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### Key Issues to be Addressed

- The main activities that have the ability to impact on heritage and landscapes are:
  - Forestry



## **Workshop Notes**

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- Large scale earthworks
  - Energy generation and transmission
  - Road construction
  - Vegetation clearance
  - Wetland drainage
  - Coastal development
  - Geothermal activity
  - Mining and quarrying
- In general there are not unacceptable effects on heritage and landscapes arising from these things
  - Issue is whether these elements are considered sufficiently when assessing applications and whether this process needs to be formally incorporated into the plan (eg using assessment criteria or relevant PA conditions) or done through individual consents
  - No cohesive approach at present
- 

## **Current Regional Plan Approach**

- Cultural heritage based on iwi values are already assessed well through the consenting process
  - Amenity values are generally considered on a case by case basis – some districts are defining these and WRC could do the same
  - Plan could benefit from clearer processes for managing effects on heritage and landscapes
  - Restrictions on access for particular areas may be covered by existing rules
- 

## **Managing the Issues**

- Although thinking about landscape and heritage issues has evolved, the methods for managing the effects have not been determined and the workstreams are still unclear
- May just require incorporating the assessment criteria from the RPS into the regional plan
- Need incentives as well as regulation to be successful
- More likely to require some minor amendments to rules rather than major changes – confirming overall policy direction is sufficient

## *Collaboration with TAs*

- Methods for protecting SNAs are not defined in the RPS – this is intentionally left to TAs so methods will vary
  - Need to ensure that there are triggers in district and regional plans to that require assessment of landscape and heritage issues
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## **Workshop Notes**

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- Need to work with TAs to encourage landowners to protect SNAs on their property
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## **Policy Direction and Alignment**

### Regional Policy Statement

- Requires a natural heritage inventory – it is assumed that this is the SNA project currently underway which should pick up 90% of natural heritage in the region
  - How TAs manage the SNAs will vary – many don't want to define areas spatially – so it is important to make sure that they are fulfilling their obligations under the RPS
  - Lots of activities can affect SNAs – need to control all of them, not just clearance
- 

## **Initiatives**

The major initiative underway to protect natural heritage is the SNA project, which includes:

- Inventory of lakes, geothermal, marine and wetland areas of significance – this exercise alone has cost \$500,000 so far
  - Purpose is to protect natural heritage and allow this to be managed in a similar way to cultural or historic heritage
  - Once the inventory is complete there may be rules to manage these areas that need to be incorporated into the plan
  - Once initial desktop assessment is complete it needs ground truthing with the TAs – can't just be imposed on them
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20 June 2011

Project	WRC Regional Plan Policy Effectiveness Review	From	Joanna Brain
Subject	Geothermal	Tel	09 368 6226
Venue/Date/Time	Mokau Room, 2/6/2011, 9am	Job No	51/29911/
Copies to	Leanne Perry-Meyer Urlwyn Trebilco		
Attendees	Leanne Perry Meyer (Policy) Katherine Luketina (RIG) Jim McLeod (RIG) Blair Dickie (Policy) Mark Brockelsby (RUG)	Apologies	Urlwyn Trebilco (Policy)

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## Workshop Notes

### Geothermal Issues

#### *Demand for geothermal resource*

- Increasing pressure from central government for geothermal energy generation though unclear where this is going to come from – between 70-90% of the national geothermal resource is in the region
- WRC may need to signal what the resource can realistically provide – this needs to be based on modelling and information from developers and is a complex process
- There are some existing assessments of the overall geothermal resource but these need to be updated based on more complex and rigorous methods
- An alternative approach would be defining impacts such as pressure decline rates

#### *Allocation of geothermal resources*

- Potential future issue with over allocation – need information on what the effects of this would be
- May need to set limit for this
- Not been a problem previously as there has only been single extractors with limits specified in consents

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### Existing Plan Effectiveness

- Mostly effective and clear with some issues with interpretation and some practical implementation issues
  - Industry is confident in the way it interprets the rules but this needs to be managed with more developers coming into the market
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## **Workshop Notes**

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- Lack of ability to get useful data and information from developers

### *Classification System*

- Classification system generally works well
- Any new system falls into the research category – this will become more urgent as more geothermal resource is developed
- Some contention arises from moving systems between groups

### *Large takes in development systems*

- 7.6.1.4 – it is unclear what rule applies as it is down to interpretation of whether it is strongly hydrologically connected – not clear where the onus of proof lies
- Requires underlying geophysical data to demonstrate a connection and developers are often reluctant to supply this due to commercial sensitivity
- Idea of the rule is to be able to update the maps based on data acquired through investigations
- Rule is more permissive than in research systems
- Not a significant problem but can cause practical issues

### *Permitted Activities in Development Systems*

- 7.6.1.2 has a notification condition which is problematic – no notifications have been received which means that there are a number of activities taking place that are technically non-complying and require a consent
- Intent of the notification condition is for WRC to be aware of what is happening and help inform the assessment of large consents in the context of the overall system
- Need a method of getting the information without triggering the need for a consent
- Currently, new well drilling notices are considered sufficient notification

### *Significant Geothermal Features*

- Some issues with people understanding the SGF maps and they aren't necessarily referred to in consenting process – could be a training and education issue
- SGFs are only mapped for development and limited development systems with lack of mapping in other systems though there are criteria for identifying these – this seems sufficient
- Only affects half a dozen consents a year and may be able to be dealt with through advice to the consenting process
- This is largely linked to biological systems and vegetation – vegetation maps are used for guidance once an activity is identified within a system boundary

### *Vegetation Clearance*

- 7.6.6.3 controls vegetation clearance but not planting which has arisen recently as a potential
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## Workshop Notes

issue

- Need a rule relating to not planting for plantation forestry activities near geothermal features – potentially a restriction on exotic plantation within 20m of a SGF
- This may be addressed through NES on Forestry

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## Gaps in the Plan

- Issue with prospecting – it is often assumed by foreign investors that this is managed under the Crown Mining Act but the RMA approach is different – need to be clear about the process for prospecting
- Geothermal water features are mapped for development and limited development systems but this only captures about 10% - need more comprehensive mapping as there are some activities taking place that shouldn't be (3.8.4.9)

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## Policy Development and Alignment

- Intention in the RPS was not to change the overall policy direction for geothermal resources – this is largely the case though some minor changes have been sought through the staff submission

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## Managing Geothermal Resources

### *Data and Information Gathering*

- Should be a standard term of large takes from geothermal systems requiring provision of information
- The consenting process is the mechanism for achieving this – may need some clearer guidelines on conditions to be used
- Could benefit from a policy that strengthens the process of requesting information

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## Initiatives

- Current process underway working through the conditions that would be useful to apply to geothermal consents – the results of this should be incorporated into the review
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20 June 2011

Project	WRC Regional Plan Policy Effectiveness Review	From	Joanna Brain
Subject	Air	Tel	09 368 6226
Venue/Date/Time	Waikato Room, 31/5/2011, 10am	Job No	51/29911/
Copies to	Leanne Perry-Meyer Urlwyn Trebilco		
Attendees	Leanne Perry Meyer (Policy) Jonathan Caldwell (RUG) Amanda Banks (Policy) Nick Kim (RIG)	Apologies	Urlwyn Trebilco (Policy)

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## Workshop Notes

### Air Quality Issues

- Current focus around air quality is on PM10 as this causes most of the health issues
- Point source discharges are generally well covered but there is an issue with diffuse discharges and indirect discharges from other activities

### *Air Quality Monitoring*

- Monitoring programme focuses on PM10 and NES and questions were raised over whether there is sufficient monitoring to achieve all of the desired outcomes – need additional monitoring outside PM10 and NES – may require review of regional monitoring programme
- Monitoring outside the urban airsheds is supposed to be done at the worst point but this can change – need mobile monitoring
- Monitoring does not always give a record of what causes the exceedance – use reports to draw conclusions
- The need for a monitoring programme is clearly set out in 6.1.4.1 which must remain in the plan to ensure that the importance of this is reflected

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### Existing Plan Effectiveness

#### *Industrial Discharges*

- Plan is generally good in terms of point source discharge
- Permitted activities in the current plan are too permissive and may need to be changed in non-complying airsheds or urban areas, particularly for industrial combustion (6.1.12) – in some cases conditions associated with PAs are not met
- Allowance required for emergency generators which may require different conditions

#### *Burning*

- Outdoor burning is an issue – linked to TA fire rules though managed by TAs for different



## **Workshop Notes**

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purposes (nuisance rather than air quality)

- Silage wrap burning is an issue – may be able to include this in 6.1.13.4
- Some specific wording changes could improve the clarity of the prohibited activity rule (6.1.13) around burning tyres, plastic and halogenated material and include burning substances with chemicals
- Needs to recognise that burning can also lead to soil contamination issues
- Also need to consider rules relating to burning in the CMA which should be included in the coastal plan

### *Biofuels*

- Combustion of biofuels is not addressed under 6.1.12.1 – should be treated in the same way as other materials – may need to define biofuels

### *Agricultural Spray*

- Currently a PA with conditions attached but is hard to enforce and regulate – needs to be achieved using education
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## **Policy Direction**

### *Air Quality NES*

- The NES was introduced in 2004 and updated in 2011 to manage air quality in a consistent manner
- Revised NES introduces a split deadline for compliance depending on the state of air quality, reducing the number of exceedances by 2016 and again by 2020
- It also allows for the exclusion of exceptional events, prohibits new solid fuel open fires from 2012 and requires offsets from industries discharging PM10 to maintain overall air quality
- The standard requires monitoring and reporting and could be incorporated into the regional plan – it does not contain any guidance on how regional councils should achieve compliance

### *Role of WRC*

- Current role of WRC is to improve air quality if it is less than the required standard
- Air quality strategy needs to be implemented in the region – this could include the non-regulatory methods required but does not have the statutory weighting of the plan
- Need incentives, education and rules to achieve the desired outcomes
- Split of functions between TAs (controlling activities for nuisance purposes) and regional council (for air quality purposes – this is clarified in the RPS)

### *Regional Policy Statement*

- Methods set out for managing air quality are holistic and broad including the control of discharges and encouraging best practice while recognising that it is not possible to achieve no degradation of air quality – policy is generally in line with the NES
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## **Workshop Notes**

- Provisions in the RPS back up what is already being done in terms of managing air quality – there is no significant change in policy direction
- Some criteria for ensuring best practice and assessing effects on air quality are set out in the RPS that could be brought through into the regional plan – generally already assessed through consenting process

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## **Gaps in the Plan**

- There is a gap in terms of addressing diffuse PM10 discharges
- Currently no regulation for domestic wood burners –some issues with non-NES compliant burners and requirement for no new wood burners but where do you apply this – have some rules drafted as part of a proposed plan change that was never pursued (Nelson and Canterbury are good examples)
- Air quality issues caused by transport are not dealt with in the current plan and can cause exceedences of the standard – this is going to be monitored
- Need to link air quality to activities that cause indirect effects such as earthworks for road works to ensure that the effects are addressed

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## **Managing Air Quality**

### *Financial Contributions*

- Issue around financial contributions – could be used to pay for incentives
- NES has offset for significant discharges which are defined which supports this

### *General Changes to the Plan*

- Permitted activities should have conditions stating they can't cause NES exceedance as this would force them to apply for a consent

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## **Initiatives**

- Already done some work on potential plan change for air quality so it may be easy to do this
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20 June 2011

Project	WRC Regional Plan Policy Effectiveness Review	From	Joanna Brain
Subject	Natural Hazards	Tel	09 368 6226
Venue/Date/Time	Mokau Room, 2/6/2011, 1.30pm	Job No	51/29911/
Copies to	Leanne Parry-Meyer Urlwyn Trebilco		
Attendees	Leanne Perry Meyer (Policy) Greg Ryan (RCS) Adam Munro (RCS) Ursula Lehr (Policy) Matt Vare (Policy) Brian Richmond (RUG)	Apologies	Megan Collins (Policy) Urlwyn Trebilco (Policy) Graeme Silver (Policy)

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### Workshop Notes

#### WRC Role and Use of Regional Plan

##### *Role of WRC*

- Key driver for activities is civil defence act – there is a requirement for regional councils to manage risks – however stronger central government expectation that this will be done more strategically through managing land use
- Changing role – currently a lot of advocacy and indirectly influencing hazard outcomes through stormwater management and damming and diversion rules
- Requires a collaborative role with TAs – some potential for looking at regional consents as part of subdivision consents
- Council needs to define level of involvement it would like to have in this area – clear direction to put more rules and regulations around natural hazards to control what others do
- Role of WRC could be more around gathering information and working with TAs to enable them to do their job – though some things need to be done by regional councils to override existing use rights – removing existing use rights is controversial
- Could potentially have regional councils controlling regional significant risk areas and delegate functions to TAs for localised risk areas
- Fundamental aspect is around identifying risk

##### *Regional Plan Impact*

- Regional plan is not a tool that is used much in this area except by the technical teams
  - Need to address the activities controlled by the regional plan and how these can be managed to minimise the risks of hazards – key issue is likely to be control of structures in primary
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## **Workshop Notes**

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hazard zones (development in flood plains is a good example)

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### **Policy Direction**

#### *Regional Policy Statement*

- RPS indicates the division of responsibilities between WRC and TAs but also brings some district functions into the regional council with regard to primary hazard zones
- Most significant impact of the RPS on the regional plan will be the need for rules to control structures in primary hazard zones
- RPS sets out the process for doing this including assessing the risk to communities, defining primary hazard zones and then managing activities in these areas through regional and district plans
- RPS is generally quite inclusive in terms of what constitutes a natural hazard and this may need to be confirmed in more detail

#### *NPS on Flood Risk*

- Currently being prepared by central government and driven by 2004 floods then postponed due to cost benefit analysis

#### *Sea level rise NES*

- Sets a minimum expectation to use in order to provide a consistent framework for decision making
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### **Methods for Managing Natural Hazards**

- Need a consistent approach to managing natural hazards across the regional plan and coastal plan – NZCPS gives strong direction in the coastal environment
  - Need to take a regional leadership role
  - Plan needs to be more focused on avoidance and is currently too permissive
  - A significant amount of work is required to define the role, do the required research and decide on the most appropriate methods before any regulatory change can be carried out
  - As part of defining primary hazard zones WRC will also need to look at areas that where development could be enabled to balance this
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### **How Existing Plan Manages Natural Hazard Risk**

#### *Floodplain Management*

- Rules relating to floodplain management would benefit from a review – there are some rules that are used to assess activities in the floodplain but they are not explicit and need to clearly state what you can and can't do
  - Current gap in terms of infill in floodplain – generally dealt with through diversion rules but not necessarily effective – needs to be clear where this is allowed and where it is not
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## Workshop Notes

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- Main issue is cumulative effects as the current plans takes a more ad hoc approach based on individual consents
- Only specific rules relating to floodplains are high risk erosion areas but these are only used in the context of earthworks
- Ancillary structures in floodplain areas are not addressed consistently – some addressed through damming and diversion rules indirectly
- This was initially used for contaminants
- Plan needs to reflect the NZ standard for flood risk management
- May need to define the floodplain or what constitutes flood water

### *Diversion of Water*

- Stormwater rules cover the adverse effects of discharges on flooding, but do not cover the issue of hazard risk which is a TA function (eg subdivision upstream leading to more flooding downstream)
- Catchment management plans also help with decision making on stormwater consents
- Flooding effects are generally covered quite well in these rules but may need some minor changes – it may not be clear where the bottom line is
- Plan needs to define the standards that will be used to assess applications – currently use Auckland standards but HCC have their own – trying to develop regional guidelines

### *Gaps in the Plan*

- Example in Taupo of dams impeding sediment – don't have requirement to look at downstream effects such as lake shore erosion – raised by Lake Taupo Flooding and Erosion Strategy
- Need to consider extraction and deposition consents in combination
- Both of these issues may be more related to managing the consent process rather than changes to the plan

### *Minor Amendments*

- May be some areas of the plan where minor changes can be made to include better consideration of hazards and tighten some rules but no major overhaul needed at this stage
  - Need to consider MfE guidelines for fault lines in the plan
  - Contains confusing terminology with high risk, extreme events and primary hazard zones – need to make this more simple
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### Document Status

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		Name	Signature	Name	Signature	Date
1	Joanna Brain	Darryl Hubbard		Sara Dennis		1/7/11
2	Joanna Brain	Darryl Hubbard		Sara Dennis		21/7/11