

Auckland Council's Officer Only submission on the proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments

INFORMATION REPORT TO THE PLANNING COMMITTEE - 7 MARCH 2017

Purpose

This report presents Auckland Council's Officer Only submission on the Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments (the Plan Change) for the Planning Committee's information.

Executive Summary

Background

The Plan Change outlines how the Waikato Regional Council will implement the National Policy Statement for Freshwater Management 2014 (the NPS-FM). It was publicly notified on 22 October 2016 and submissions closed on 8 March 2017.

The Auckland Council Submission Development Guidelines dated 24 February 2011, allows Officer only submissions where:

- a submission is purely technical in nature; and
- either the relevant departmental manager or Senior Leadership Team has confirmed that an officer only submission is appropriate.

John Duguid, General Manager – Plans and Places has given approval to make an Officer only submission as the submission focuses on technical operational and policy implications.

Draft Submission

Auckland Council's submission generally supports the Plan Change and seeks amendments to:

- ensure Waikato's methods of implementation, regulatory and policy provisions support and where practicable similar to Auckland Council's implementation of the NPS-FM; and
- improve the workability and clarity of the Plan Change.

Recommendation/s

That the Planning Committee note the Auckland Council Officer Only submission on the Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments attached as Attachment A.

Comments

The Plan Change represents Waikato Regional Council's approach to restore and protect water quality in the Waikato and Waipā Rivers and gives effect to:

- Government legislation on the management of fresh water; and
- Te Ture Whaimana o Te Awa o Waikato (The Vision and Strategy for the Waikato and Waipā rivers) which was adopted by Government as part of Treaty Settlement legislation and is part of the Waikato Regional Policy Statement.

The new rules and policy for rural activities focus on:

- reducing nitrogen, phosphorus, sediment and microbial pathogen losses from land
- ongoing management of diffuse and point source discharge of nitrogen, phosphorus, sediment and microbial pathogens
- reducing contaminant losses from pastoral farm land
- facilitating ongoing research monitoring and tracking of changes on the land and in the water
- ensuring the management of land use and activities align with the biophysical capabilities of the land, the spatial location, and the likely effects of discharges on the lakes, rivers and wetland in the catchment.

The Plan Change's implications for Auckland

The Plan Change could impact on the operational and policy development of Auckland's land and water resources adjoining the southern boundary of the Auckland region.

Submission

Key messages

The NPS-FM is part of a major reform of New Zealand's freshwater management regime. It requires regional councils and unitary authorities to establish values for freshwater bodies and set objectives and limits for freshwater quality and quantity. Auckland Council has started delivering a staged approach to implementing the NPSFM. At this stage, we are focused on establishing a robust evidence base before making any decisions on either regulatory or non-regulatory interventions.

The key messages of Auckland Council's submission are to:

- support Auckland Council's staged approach to implementing the NPS-FM
- improve the workability and clarity of Proposed Plan Change 1 – Waikato and Waipā River Catchments.

Stock Exclusion

Auckland Council supports the stock exclusion of cattle, horses, deer and pigs from water bodies as they can cause a range of significant adverse effects on water quality and instream and riparian habitat values. The exclusion should also apply to sheep and goats as the main mechanisms for causing damage relate to trampling, pugging or erosion of the bed, bank and riparian margins from stock.

Water bodies

The protection of intermittent rivers or streams is not addressed by this Plan Change. The management framework for rivers and streams under the Auckland Unitary Plan now includes provisions for intermittent streams. Intermittent streams are treated the same as permanent streams. The inclusion of intermittent stream provisions in the Unitary Plan represents an appropriate shift in management approach, reflecting the statutory context in which freshwater is to be managed (i.e. the Resource Management Act and NPS-FM do not distinguish between permanent and intermittent streams) and the increased understanding of the importance of intermittent waterways in maintaining healthy functioning downstream waters.

Clarification

Clarification is sought on how Farm Environment Plans will be structured where a property or enterprise is situated across the Waikato/southern Auckland boundary.

Clarification is also sought on the expectations (in terms of monitoring and compliance) for Auckland Council within certain areas which overlap the southern Auckland/Waikato boundary in terms of nitrogen load limits.

ATTACHMENTS:

A	Auckland Council Officer Only submission on the Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments
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SIGNATORIES:

Author	Debra Yan – Principal Planner Aucklandwide
Authorisers	John Duguid – General Manager Plans and Places Jim Quinn – Chief of Strategy

ⁱ The National Policy Statement for Freshwater Management (2014) requires regional councils and unitary authorities to formulate freshwater objectives and set limits or targets for freshwater quality and quantity. The process requires the identification of freshwater management units and the values for each, and water quality attributes.

ATTACHMENT A

Auckland Council Officer Only Submission to the
Waikato Regional Council

Proposed Plan Change 1 - Waikato and Waipā River Catchments

8 March 2017

Auckland Council Officer Only Submission on the Proposed Plan Change 1 - Waikato and Waipā River Catchments

1. This is Auckland Council's Officer Only submission on the Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments.
2. The address for service is Auckland Council, Private Bag 92300, Victoria Street West, Auckland 1142.
3. Auckland Council wishes to appear before the Waikato Regional Council to discuss this submission.
4. This Officer Only submission has been subsequently approved by the Planning Committee of Auckland Council.

Introduction

1. Auckland Council staff supports the Plan Change as we recognise that water quality is a key issue for the Waikato region. The proposed land use actions and changes to restore and protect water quality are first steps in achieving water quality objectives.
2. The Plan Change will assist and encourage the integrated management of the natural and physical resources of the Waikato and Auckland regions which is important given Waikato River's contribution to Auckland's cultural, social and environmental wellbeing.
3. As the natural environment does not recognise local government administrative boundaries, where practical similar cross boundary approaches are important to ensure that wider catchment effects are considered.
4. Auckland Council has identified a particular issue related to stock exclusion and water bodies, that it believes merits similar treatment (where practical) for the operational and policy development of land and water resources. Further clarification is sought on Farm Environment Plans and the Nitrogen Reference Points for subcatchments which overlap the shared boundary.

Stock Exclusion

5. We support stock exclusion from water bodies as a means to reducing contaminant losses from pastoral farm land (Chapter 3.11) however the exclusion only applies to cattle, horses, deer and pigs, not sheep and goats.

Discussion

6. It is well recognised nationally and internationally that the access of stock to the beds of lakes, rivers and streams can cause a range of significant adverse effects on water quality and instream and riparian habitat values. As the main mechanisms for causing damage relate to trampling, pugging or erosion of the bed, bank and riparian margins from stock we believe the exclusion should also apply to sheep and goats.

Recommendation

Auckland Council:

7. Seeks that sheep and goats should also be excluded from access to water bodies, or alternatively delete the identification of types of animals within the rules and insert a clear definition of livestock to include sheep and goats in the glossary. For example the Auckland Unitary Plan (Operative in part) defines livestock as:

*Animals raised for food or other products, or kept for use, especially farm animals.
Includes:*

- *meat and dairy cattle;*
- *pigs;*
- *poultry;*
- *deer;*
- *horses;*
- *goats; and*
- *sheep.*

Water bodies

8. The protection of intermittent rivers or streams is not addressed by this Plan Change. This approach is inconsistent with Auckland's approach to protect intermittent streams.

Discussion

9. The management framework for rivers and streams under the Auckland Unitary Plan now includes provisions for intermittent streams. Intermittent streams are treated the same as permanent streams. The inclusion of intermittent streams within the Unitary Plan provisions represents an appropriate shift in management approach, reflecting the statutory context in which freshwater is to be managed (i.e. the Resource Management Act and NPS-FM do not distinguish between permanent and intermittent streams) and the increased understanding of the importance of intermittent waterways in maintaining healthy functioning downstream waters.

Recommendation

Auckland Council:

10. Seeks the protection of intermittent streams within the Waikato region to ensure consistent (where practical) NPS-FM policy and implementation approaches between Waikato and the southern boundary of the Auckland region.

Clarification

11. *Farm Environment Plans* – clarification is sought on how Farm Environment Plans will be structured where a property or enterprise is situated across the Waikato/ southern Auckland boundary, is there provision for identifying these properties in the current Plan Change?
12. *Nitrogen Reference Point* – clarification is sought on the expectations (in terms of monitoring and compliance) for Auckland Council within the areas in the subcatchments (Whapipi (3) and Waikato at Tuakau Branch (4)) which overlap the Waikato and southern Auckland boundary in terms of nitrogen load limits as defined by this Plan Change. It may be appropriate to exclude these subcatchment areas from the Plan Change as they overlap the southern Auckland boundary.