

Regional Plan for the Tarawera River Catchment - Review Summary Report



Bay of Plenty Regional Council

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Part 1: Introduction

The Bay of Plenty Regional Plan for the Tarawera River Catchment (the Plan) was prepared under the Resource Management Act 1991 (RMA), to address community raised concerns about the degraded state of the Tarawera River, downstream from Kawerau. To address these concerns, the Plan was notified in March 1995 and became operative on 1 February 2004.

Under sections 35 and 79 of the RMA, the Bay of Plenty Regional Council (Regional Council) must assess the effectiveness and efficiency of regional plan provisions and formally review any regional plan at least every ten years. Once reviewed, the Regional Council must decide whether the plan is retained or altered (amended, withdrawn or replaced). Whichever option is selected, the proposal must be publicly notified and progressed, according to Schedule 1 of the RMA.

The Regional Council commissioned Beca Consultants Limited (Beca) to carry out the review of the Plan according to sections 35 and 79 of the RMA. This report (the Beca report) was provided to the Regional Council in May 2015.

This report summarises the findings from the Beca report, and feedback from Regional Council staff.

Evaluation process

The Plan was evaluated in general accordance with Section 19.4 of the Plan and Section 79 RMA. The methods included:

- An information review of relevant statutory and supporting documents, such as the Regional Policy Statement, the Regional Water and Land Plan (RWLP) and the On-Site Effluent Treatment Regional Plan (OSET).
- A review of the Natural Environmental Regional Monitoring (NERM) programme including flow and water quality monitoring.
- Review of resource consents, compliance monitoring and complaints, including an analysis of the Section 42A reports prepared for selected resource consents within the catchment.
- Discussions with Bay Plenty Regional Council Staff from relevant sections – Māori Policy, Pollution Prevention, Water Science and Support, Land Management, Rivers and Drainage, and Consents.

Part 2 of this report provides details of these evaluations.

Public consultation

Targeted consultation was carried out with key stakeholders and Regional Council staff members who have direct involvement in the implementation of the Plan as follows:

- Te Mana o Ngāti Rangitihī
- Ngāti Mākinō Heritage Trust
- Ngāti Tūwharetoa Holdings Limited

- Ngāti Rangitīhi Raupatu Committee
- Tūhourangi Tribal Authority
- Kawerau District Council
- Whakatāne District Council
- Department of Conservation
- Fish and Game
- Selected consent holders
- Bay of Plenty Regional Council staff including team members from Māori Policy, Pollution Prevention, Water Science and Support, Land Management, Rivers and Drainage, and Consents

The result of consultation with stakeholders suggests that there has been positive change and an improvement in the life supporting capacity of air, water, soil and ecosystems within the catchment. Iwi have also noticed an improvement in wetland quality along the lower catchment of the river.

However, there are still issues of concern to iwi and the community. The discharge of human waste to water is considered an undesirable practice, in particular the Whakatāne District Council wastewater discharge at Edgecumbe. Iwi also noted the impact of poor land management practices on the mauri of water.

Due to improvements in resource consent conditions, concern around industrial discharges has reduced. This is being replaced by a growing concern around intensive agriculture.

This review report is for the public's information only. No feedback to the Regional Council is required. Development of limits for the Tarawera River Catchment is scheduled to start in 2018 and the public will have an opportunity to be involved at this stage.

Changes in water management

The Tarawera River Catchment as defined in the Tarawera River Plan, extends from the Tarawera lakes to the coast. It includes the catchments of lakes Ōkaro, Rotokakahi, Tikitapu, Ōkāreka, Ōkataina, Rotomahana and Tarawera, as well as the Tarawera River and its sub-catchments as shown in Appendix 1.

Since 2004, there have been several developments in freshwater management both nationally and for the Bay of Plenty Region, that impact on the Tarawera River Plan, including:

- The introduction of the National Policy Statement for Freshwater Management.
- The development of the Bay of Plenty Regional Water and Land Plan.
- Implementation of the Rotorua Te Arawa Lakes Programme.

Each are discussed below:

The National Policy Statement for Freshwater Management

In 2014, Central Government released the amended National Policy Statement for Freshwater Management (the NPS). The NPS sets out objectives and policies to direct councils on how to manage freshwater resources. The NPS directs councils to include limits for freshwater in regional plans.

Developing limits for all freshwater bodies in the region will require significant resources. For this reason, the Regional Council has divided the Bay of Plenty Region into nine water management area (WMAs) and prioritised these zones to maximise resources. The Tarawera Catchment as identified in the Plan, has been split across two WMAs – the Rotorua Te Arawa Lakes and the Tarawera River.

The Tarawera River WMA was not identified as a priority catchment, partially because the Plan is in place with limits and regulations on water quality and quantity in the Tarawera River. Work on the Tarawera River is scheduled to commence in 2018.

The Bay of Plenty Regional Water and Land Plan

The Regional Water and Land Plan (RWLP) was drafted in 2002 and became operative in December 2008. Provisions of the RWLP cover the use and development of land and water in the region.

There are some overlaps between the Tarawera River Plan and the RWLP which are detailed in an appendix to the RWLP. Regardless of any duplication or conflict, both plans must be considered when managing resources in this catchment.

The Rotorua Te Arawa Lakes Programme

The Rotorua Te Arawa Lakes Programme was set up in 2006 to address the ongoing issue of declining water quality in the lakes.

Action plans to improve water quality in the Tarawera lakes are either being implemented, or are currently in development. These action plans focus on reducing nitrogen and phosphorus in water upstream of the Tarawera Outlet.

This programme overlaps with the current catchment defined in the Plan, which includes seven of the Rotorua Te Arawa Lakes.

Part 2: Evaluation

The review process carried out an assessment of:

- (a) Overall plan contents
- (b) Overall effectiveness
- (c) Plan efficiency
- (d) Plan appropriateness

These assessments are based on methods 19.5.4(c)(i-v) in the Plan.

2.1 Overall plan contents

The Tarawera River Catchment Plan was one of the early regional plans prepared by this Regional Council soon after the release of the RMA. At the time, very little guidance was provided and neither the Council nor the community had much experience with the consultation process as set out in Schedule 1 of the RMA.

As a result, the Plan, like most other first generation regional plans, includes a large amount of explanatory text, including a comprehensive description of the catchment and its environmental issues. While this information assists with understanding the Plan, the large amount of descriptive text detracts from the core objectives, policies, methods and rules included in the Plan.

Like the Rotorua Geothermal Regional Plan, the Plan was developed to deal with a specific issue in one area of the region. This has led to a significant overlap with other regional plans and programmes, most notably the RWLP. There is also extensive information duplicated from other sources, such as a description of the statutory framework and details of district plans. There are also a number of internal duplications within the Plan itself.

Overall, the plan is 282 pages, the bulk of which plan users most likely leave unread.

Recommendation:

The recommendation is to streamline the Plan by:

- removing redundant provisions duplicated within the Plan.
- removing conflicts and duplications with the RWLP.
- restricting the plan content to the core RMA requirements of objectives, policies, and methods (including rules).

2.2 Overall effectiveness

Effectiveness is an assessment of whether the outcome sought was achieved and includes an assessment of:

- Whether the Plan's purpose was achieved.
- Whether the policies and methods achieve the objectives.

- Whether the anticipated environmental results have been achieved.

Has the overall purpose been achieved?

The purpose of the Plan is to assist the Regional Council to promote the sustainable management of natural and physical resources within the Tarawera River Catchment by ensuring that:

- (a) There is integrated management of the natural and physical resources of the Tarawera River Catchment.
- (b) The high quality water in the catchment of the upper reach of the Tarawera River is maintained, and improved where appropriate.
- (c) The water quality in the lower reach of the Tarawera River is managed, to ensure that the effects of industrial discharges are substantially reduced.
- (d) The community remains involved in the management process.
- (e) There is reduction in the discharge of contaminants into the Tarawera River.
- (f) The mauri of the Tarawera River is restored and the balance maintained.

The objectives and policies of the Plan have driven significant changes within the catchment over the past decade, particularly the industrial discharges. This has contributed to the improvement in sustainable management of the natural and physical resources within the Tarawera River Catchment. However, other factors, such as the reduction of operations at the mill and the decline in the population of Kawerau, may have also contributed to the achievement of the purpose.

Do the policies and methods achieve the objectives of the plan?

The Plan is effective in implementing rules for policy on river and lake beds, surface water and groundwater quality and quantity, and geothermal. However, the environmental monitoring information is not able to ascertain whether the improvements in the catchment have been attained solely through the Plan provisions alone, as there are many other non-statutory methods that have been actioned within the catchment.

Water quality has remained stable or improved in most cases. The seven Tarawera lakes that drain to the Tarawera River have remained stable over the past decade, except for Lake Rotokakahi which has seen a general decline in water quality. A decline in water quality of Lake Tarawera is also developing. Water quality in the Upper Reach of the catchment meets the Plan criteria except for water clarity.

Water quality in the Lower Reach has improved with increased water clarity and decreased colour as a result of improvements to the wastewater discharge from Tasman. However, levels of nitrogen have increased.

Water allocation is under control but there are no minimum flow restrictions. This should be considered in the next set of provisions.

As discussed above, there are a number of areas where policies are duplicated or cross referenced within the document. In addition, many policies contain “process” adjectives and wording that does not assist in considering resource consent applications.

In general, the restrictive water quality provisions of the Plan have had some success in improving water quality and ecology in the river. Other contributing factors outside the plan such as a reduction in the capacity of the Tasman mills and declining population of Kawerau have reduced the pressure on local resources.

Recommendations:

The recommendations are to:

- Remove duplication and include minimum flows for water quantity.
- Develop an implementation programme that prioritises actions to achieve the purpose and objectives of the Plan, and identifies timeframes and resources for inclusion in the relevant Long Term Plan.

Have the anticipated environmental results been achieved?

The Plan has a total of 44 anticipated environmental results (AERs). The assessment shows that about half of these have been achieved. However, in areas where they have been met there is room for improvement. For example, groundwater allocation does not consider hydraulic connectivity between the groundwater system and wetlands, therefore resource consent applications for these allocations do not consider effects on wetlands.

In some cases it is unclear whether the AERs have been achieved. Mostly, this has occurred where AERs are more appropriate for district council processes, such as public access issues.

Recommendation:

A recommendation for the next plan is to link the AERs with Key Performance Indicators to enable an objective assessment of performance. This will ensure that AERs are detailed and measurable.

2.3 Plan efficiency

Plan efficiency is a measure of benefits relative to its costs. A high level assessment of whether the anticipated environmental results have been achieved has been carried out to determine plan efficiency.

The cost of implementing the Plan, includes the cost to the Regional Council of fulfilling obligations set out in the Plan and costs to the end user of the resources. This includes consenting, capital costs of ensuring compliance with the Plan, and ongoing compliance and monitoring costs.

While the Regional Council has monitored within the catchment and embarked on joint projects with other regulatory bodies (including the Department of Conservation and Fish and Game), the work programmes do not specifically align with the methods set out in the Plan. It is therefore difficult to compare the costs of these programmes with their outcomes, then relate this back to Plan compliance and efficiency.

Consultation with consent holders shows significant investment within the catchment to comply with the Plan. Consent holders did not typically wish to disclose the total costs of the consent and compliance process, however, it is noted that the costs for larger scale activities to comply with the Plan are significant.

The relative cost of implementing the Plan is difficult to determine, as it is clear that the previous regime of land and water management was unacceptable to the community and industry. Any process under the RMA would require a similar level of improvements. It is also anticipated that similar environmental results and associated costs would be realised if operating under the provisions of the RWLP. However, the benefits may not have been as great without the type of catchment specific requirements included in the Plan.

2.4 Plan appropriateness

The plan appropriateness evaluation assesses the plan as to whether:

- Issues addressed in the plan are still relevant.
- Additional issues have arisen which require attention within the Plan.

Are the issues addressed in the plan still relevant?

Issues in the Plan fall under eleven topic areas: Community attitudes and perceptions, resource management issues of significance to iwi, public access, land use, river and lake beds, freshwater ecology, surface water quantity, surface water quality, groundwater quality and quantity, geothermal resources, monitoring and plan review.

Some topic areas can be removed from the plan for the following reasons:

- *Community attitudes and perceptions and resource management issues of significance to iwi* – Issues relevant to the community and iwi have been superseded by the relevant chapters of the Regional Policy Statement and can most likely be removed or reduced in number in the Plan.
- *Public access* – This is an issue for the district councils and can be removed from the Plan.
- *Monitoring and plan review* – The monitoring issues are still relevant, however, could be included in an implementation plan rather than as part of the Plan itself. Review requirements for regional plans are set out in the RMA and do not need to be included.

The remaining issues, land use, river and lake beds, freshwater ecology, surface water quantity, surface water quality, groundwater quality and quantity, and geothermal resources are all still relevant to this Plan.

Have additional issues arisen that require attention within the Plan?

At the time the Plan was developed and notified, there was no national guidance or policy on freshwater. The main concern was point source discharges from the mill, and the sewage discharges to the Tarawera River. Water quality parameters for the Plan were selected to measure the contaminants of concern. As a result, a combination of the Plan and external factors have been effective in reducing contaminants from the Tasman mill operations.

The NPS directs regional councils to use regional plans to establish environmental flows and freshwater quality limits for all freshwater bodies. The NPS also requires councils to specify targets and implement methods to assist in the improvement of water quality in water bodies.

The Plan partially meets the requirements, however, it does not provide sufficient guidance or limits to fully comply with the policies of the NPS. The Regional Council is currently implementing a programme to set limits for all freshwater bodies in the region according to the NPS. The process for the Tarawera River Catchment will start in 2018.

National and local concern is now shifting to diffuse discharges from intensification of agriculture that is causing an increase in nitrogen and phosphorus levels in freshwater. The local community is also concerned with the ongoing point source discharge of sewage from Edgecumbe.

Recommendation:

To address additional issues, the recommendation is to introduce environmental flows and freshwater quality limits for the Tarawera River Catchment, according to the National Policy Statement for Freshwater Management 2014.

2.5 Implementation issues

The rules are implemented within the Regional Council mostly by the Consents and Pollution Prevention teams. These teams are responsible for implementing regional plans by:

- Giving advice to the public on whether activities are permitted or require consent.
- Processing applications for controlled or discretionary activities.
- Providing 24 hour, 7 day response to complaints via the Pollution Hotline.
- Monitoring compliance with consent conditions.

The review used information from water quality data collected over the past 10 years and from a review of consents data and compliance monitoring. Particular concerns noted from these reviews were that:

- Not all of the data collected align with the attributes set out in the Plan, nor are they readily available for interpretation.
- Approximately 35% of the 50 consents reviewed did not consider the relevant provisions of the Plan. This was separate to the 22% of consents reviewed that considered the Plan and found that it was not relevant.
- Existing wastewater discharges to the Tarawera River do not comply with the provisions of the Plan.

Recommendation:

The recommendations are to:

- Include regular progress reports in the implementation plan (recommended in Section 2.2 above) to be made available to the public.
- Ensure consents staff are aware of the relevance of the Plan.
- Follow up on enforcement for activities that do not comply with the policies and methods of the Plan.

Part 3: Conclusions and recommendations

The Plan has been mostly effective in improving water quality and maintaining water quantity, particularly in the lower reach of the Tarawera River Catchment.

Determining whether the benefits outweighed the costs was more difficult and it was determined to be unclear. However, in this case, a regulatory response was necessary to address community concerns. The review found that having a catchment specific plan most likely achieved more benefits for the Tarawera River, than relying on the more general provisions of the RWLP.

The review identified key issues:

- Out of date with current national direction on freshwater management NPS for Freshwater Management.
- Large amount of explanatory text and internal duplication detracts from the core objectives, policies, methods and rules of the Plan.
- Overlap between this Plan and the Regional Water and Land Plan.
- Poor alignment of work programmes with identified outcomes of the Plan makes it difficult to determine whether the Plan has achieved the outcomes, or if they were met through other actions.

The key recommendations to resolve the above issues are to:

- Introduce environmental flows and freshwater quality limits for the Tarawera River Catchment according to the NPS for Freshwater Management 2014.
- Focus plan content on the core RMA requirements of objectives, policies, and methods (including rules).
- Remove internal duplications and duplications with the RWLP.
- Link the AERs with Key Performance Indicators to enable an objective assessment of performance. This will ensure that AERs are detailed and measurable.
- Develop an implementation programme that prioritises actions to achieve the purpose and objectives of the plan, and identifies timeframes and resources for inclusion in the relevant Long Term Plan.

Due to the extent of the changes necessary, particularly the introduction of limits according to the NPS, the recommendation is to draft a new plan to replace the existing Regional Plan for the Tarawera River Catchment.

The Tarawera Catchment is not identified as one of the top priority catchments, therefore it may be some time before the Plan can be replaced. The recommendation is to leave the current Plan in place until work begins on the Tarawera River Water Management Area in 2018.

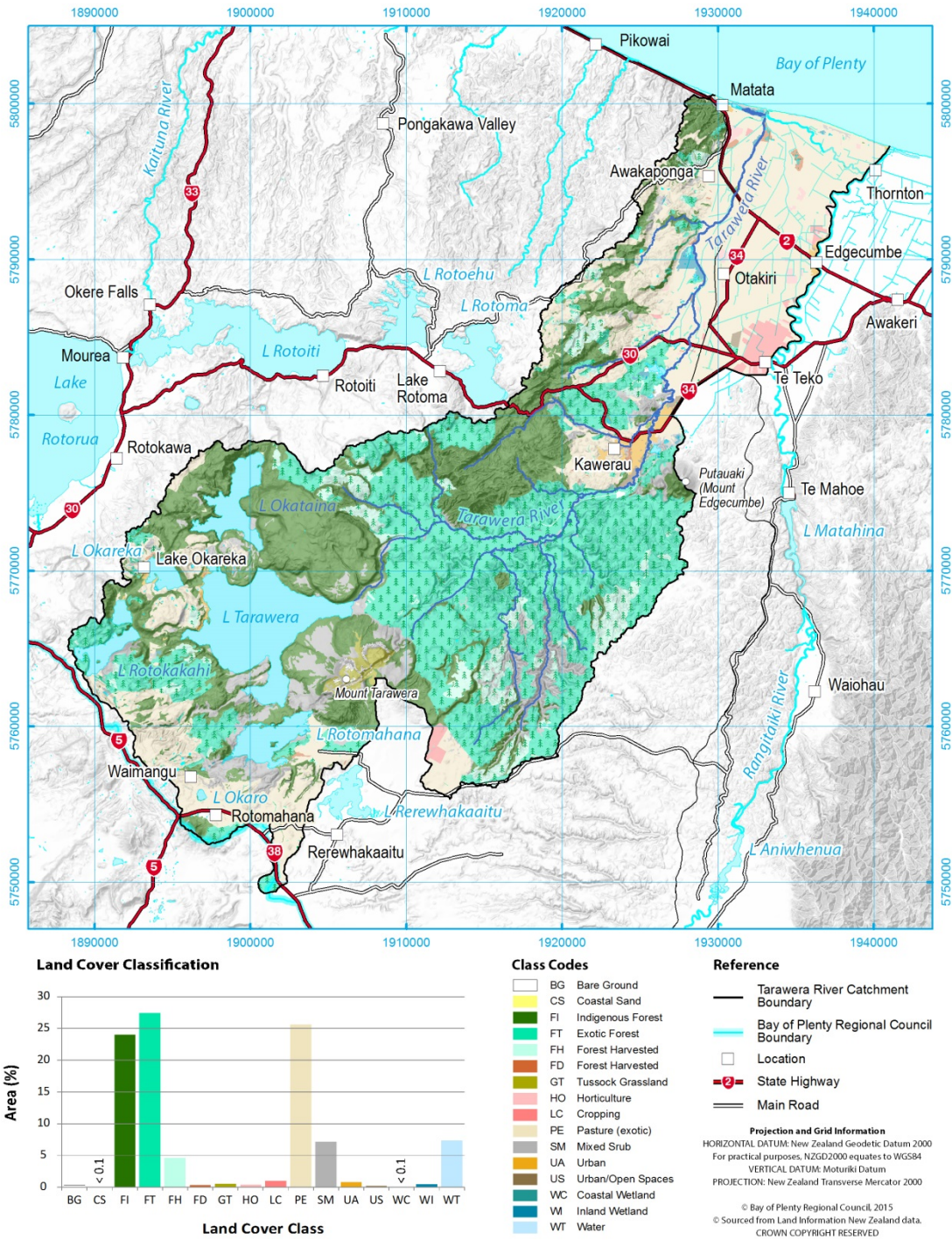
In the meantime, the following actions are recommended to improve implementation of the current Plan:

- Follow up on enforcement for activities that do not comply with the policies and methods of the Plan.
- Ensure consents staff are aware of the relevance of the Plan.

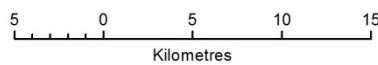
In the past, the intention was to incorporate the provisions of this Plan into the RWLP. However, since the introduction of the NPS, freshwater management processes have changed. Amalgamation of the Plan with the RWLP may be an appropriate option, but this option is best considered once the community are involved and the limit setting process for the Tarawera Catchment has started.

Appendices

Appendix 1 – Map of Tarawera River Catchment



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