Policy and Planning Committee

Tuesday 9 October 2018
10.30am
Taranaki Regional Council, Stratford

Agenda for the meeting of the Policy and Planning Committee to be held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford, on Tuesday 9 October 2018 commencing at 10.30am.

Members	Councillor N W Walker	(Committee Chairperson)
	Councillor M P Joyce	
	Councillor C L Littlewood	
	Councillor D H McIntyre	
	Councillor B K Raine	
	Councillor C S Williamson	
	Councillor D L Lean	(ex officio)
	Councillor D N MacLeod	(ex officio)
Representative Members	Ms E Bailey	(Iwi Representative)
	Councillor G Boyde	(Stratford District Council)
	Mr J Hooker	(Iwi Representative)
	Councillor R Jordan	(New Plymouth District Council)
	Mr P Muir	(Taranaki Federated Farmers)
	Councillor P Nixon	(South Taranaki District Council)
	Mr M Ritai	(Iwi Representative)

Apologies

Notification of Late Items

Agenda Memorandum

Date 9 October 2018

Memorandum to
Chairperson and Members
Policy and Planning Committee

Subject: **Confirmation of Minutes – 28 August 2018**

Approved by: A D McLay, Director-Resource Management

B G Chamberlain, Chief Executive

Document: 2131945

Resolve

That the Policy and Planning Committee of the Taranaki Regional Council:

1. takes as read and confirms the minutes of the Policy and Planning Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford, on Tuesday 28 August 2018 at 10.30am
2. notes the recommendations therein were adopted by the Taranaki Regional Council on 18 September 2018.

Matters arising

Appendices

Document #2112418 – Minutes Policy and Planning Committee

Minutes of the Policy and Planning Committee Meeting of the Taranaki Regional Council, held in the Taranaki Regional Council Chambers, 47 Cloten Road, Stratford, on Tuesday 28 August 2018 at 10.30am.

Members	Councillors	N W Walker	(Committee Chairperson)
		M P Joyce	
		C L Littlewood	
		D H McIntyre	
		B K Raine	
		C S Williamson	
		D L Lean	(ex officio)
		D N MacLeod	(ex officio)
Representative Members	Ms	E Bailey	(Iwi Representative)
	Councillor	G Boyde	(Stratford District Council)
	Mr	J Hooker	(Iwi Representative)
	Mr	P Muir	(Taranaki Federated Farmers)
	Councillor	P Nixon	(South Taranaki District Council)
Attending	Messrs	B G Chamberlain	(Chief Executive)
		A D McLay	(Director-Resource Management)
		G K Bedford	(Director-Environment Quality)
		R Ritchie	(Communications Manager)
		S Tamarapa	(Iwi Communications Officer)
	Mrs	V MacKay	(Science Manager)
	Mrs	K van Gameren	(Committee Administrator)
	Mr	H Eriwata	(Iwi Representative)
	Mr	J Clough	(Wrightson Consulting)
	One Member of the media.		

Apologies The apology from Mr M Ritai (Iwi Representative) was received and sustained.

Notification of Late Items There were no late items of business.

1. Confirmation of Minutes – 17 July 2018

Resolved

THAT the Policy and Planning Committee of the Taranaki Regional Council

1. takes as read and confirms the minutes and confidential minutes of the Policy and Planning Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford, on Tuesday 17 July 2018 at 10.45am
2. notes that the recommendations therein were adopted by the Taranaki Regional Council on 7 August 2018.

Williamson/Raine

Matters Arising

There were no matters arising.

2. Good Farming Practice: Action Plan for Water Quality

2.1 Mr A D McLay, Director-Resource Management, spoke to the memorandum introducing to the Committee the *Good Farming Practice Action Plan for Water Quality 2018* and noted the Council's role in promoting the Action Plan throughout Taranaki.

Recommended

That the Taranaki Regional Council:

1. receives the memorandum *Good Farming Practice Action Plan for Water Quality 2018*
2. notes that the Council is well placed to implement the Action Plan.

MacLeod/Joyce

3. Beef and Lamb New Zealand: Environment Strategy and Implementation Plan 2018-22

3.1 Mr A D McLay, Director-Resource Management, spoke to the memorandum introducing Beef and Lamb New Zealand's recently released *Environment Strategy and Implementation Plan 2018-22*. The high level document was viewed as a positive step forward.

Recommended

That the Taranaki Regional Council:

1. receives the memorandum *'Beef and Lamb New Zealand: Environment Strategy and Implementation Plan 2018-22'*
2. notes the strategy is a positive first step for this important sector of the economy
3. notes that a number of aspects of the environment strategy complement the work programmes of this Council.

Williamson/Littlewood

4. Soil Quality in the Taranaki region – 5 yearly survey results

4.1 Mr G K Bedford, Director-Environmental Quality, spoke to the memorandum advising the Committee that the Council has completed another 5-yearly survey of regional soil quality as per its on-going State of the Environment programme, and provided a summary of the reported findings.

4.2 It was noted that Iwi would be circulated a copy of the report as it will provide an important tool to assist further consultation with Iwi on the review of the Council's freshwater plan.

Recommended

That the Taranaki Regional Council:

1. receives the memorandum noting the preparation of a report *Soil quality in the Taranaki region 2017: current status and comparison with previous samplings* (Manaaki Whenua Landcare Research, May 2018)
2. notes the findings of the report, that the general patterns in Taranaki's soil quality are similar to those in other regions; that the primary concerns that emerge from this survey relate to compaction of soils in pasture, elevated nitrogen levels in dairy and drystock soils, and low nutrient levels in hill-country and forestry soils; and that generally, aspects of poor soil quality can be reversed by appropriate management
3. notes that the findings of the study will be considered during the preparation of the *Regional Water and Land Plan*
4. distributes the report to the landowners concerned, and to other interested parties.

Littlewood/McIntyre

5. Taiao Taiora Taranaki Iwi Management Plan

5.1 Mr S Tamarapa, Iwi Communications Officer, spoke to the memorandum presenting, for Members' information, an Iwi management plan recently produced by the Te Kāhui o Taranaki Trust *Taiao Taiora an Iwi Environmental Management Plan for the Taranaki iwi Rohe*. The document was professionally presented and Council officer attendance at its launch was acknowledged.

Recommended

THAT the Taranaki Regional Council:

1. receives the memorandum and the Taiao, Taiora an Iwi Environmental Management Plan for the Taranaki iwi Rohe (2018)
2. notes that the Plan outlines the expectations and the position of Taranaki Iwi on matters relating to the environment in their rohe

3. notes that the Plan will be taken into account during the review of the Council's Resource Management Act policy documents concerning air, freshwater, soil and coastal resources
4. recognises that the Plan is a positive step forward in clarifying the policy position of Taranaki Iwi on environmental matters.

Boyde/Raine

6. Submission on Draft National Planning Standards

6.1 Mr A D McLay, Director-Resource Management, spoke to the memorandum introducing a submission to be endorsed by the Committee that was made to the Ministry for the Environment on the Draft National Planning Standards. The submission was sent by the closing date of 17 August 2018.

Recommended

That the Taranaki Regional Council:

1. receives the memorandum Submission on Draft National Planning Standards
2. endorses the submission.

Lean/Williamson

7. Update on further submissions to the Proposed Coastal Plan for Taranaki

7.1 Mr A D McLay, Director-Resource Management, spoke to the memorandum updating the Committee on further submissions received in support or opposigion to initial submissions made on the *Proposed Coastal Plan for Taranaki*.

7.2 It was suggested that the Council hold a joint meeting with the Iwi environmental advisor submitters on the Proposed Plan as part of the pre-hearing consultation process.

Recommended

That the Taranaki Regional Council:

1. receives the memorandum *Update on further submissions to the Proposed Coastal Plan for Taranaki* and further submissions received.

Williamson/MacLeod

Closing Karakia Mr H Eriwata (Iwi Representative) gave the closing Karakia to the Policy and Planning Committee and Karakia for kai (lunch).

There being no further business, the Committee Chairperson Councillor N W Walker, declared the open meeting of the Policy and Planning Committee meeting closed at 11.15am.

Confirmed

Chairperson _____

N W Walker

Date **9 October 2018**

Agenda Memorandum

Date 9 October 2018

Memorandum to
Chairperson and Members
Policy and Planning Committee

Subject: Update on *Towards Predator-Free Taranaki* project

Approved by: S R Hall, Director - Operations

B G Chamberlain, Chief Executive

Document: 2129629

Purpose

The purpose of this memorandum is to present for Members' information an update on the progress of the *Towards Predator-Free Taranaki* project.

Officers will be making a presentation at the meeting.

Executive summary

On 30 May 2018 the Conservation Minister launched the *Towards Predator-Free Taranaki* project. This is the first large-scale project with the long term aim of removing introduced predators from a region. The Government is supporting the project with a sum of more than $11 million through Predator Free 2050 Ltd (PF2050), the company set up by the Government in 2016 to help New Zealand achieve its predator-free 2050 goals.

Three different phases of work have begun around the mountain, starting in the New Plymouth area, Oakura, and the Kaitake range. These phases represent the three different elements to the project: urban trapping, rural control, and zero possums. Monitoring work and site-led work has also begun and officers have had input into several technological innovations. This memorandum provides an update in respect of the main elements of the project and details future work.

Overall, there has been a hugely positive response from the Taranaki community. Five successful public workshops were held to promote the urban project and these resulted in approximately 1000 new traps being deployed across New Plymouth city. Six schools are now distributing traps, with more schools expressing interest in being involved. A joint open day to promote the urban project in Oakura and the rural one in the Kaitake Range attracted approximately 300 people and is now branded as 'Restore Kaitake'.

Ngā Iwi o Taranaki support the project and the application for funding through the Taranaki Iwi Chairs Forum. We are working closely with hapu of Te Atiawa and Taranaki Iwi in all three phases, but especially in the Kaitake range, which is of high cultural importance.

Landowners are being signed up for the first year of the rural landscape predator control and plans are being developed for site-led intensive rodent control. A significant amount of technological testing and system integration is underway with suppliers, and trap layout and density has been finalised. Planning and field inspections are underway for implementation of the virtual barrier for the zero possum project and a cross-agency design team has been established.

Urban workshops for the public will continue and landowners will continue to be signed up for year one of the rural zone. The cross-agency design team and contractors will begin construction of the virtual barrier in Pukeiti and camera trap pre-control monitoring will be undertaken in the rural project. Contractors will also begin the roll-out of the increased trap network for the urban New Plymouth District Council reserves.

Recommendations

That the Taranaki Regional Council:

1. receives this memorandum *Update on Towards Predator-Free Taranaki project*;
2. notes the progress and milestones achieved in respect of the urban and rural predator control and the zero density possum projects of the *Towards Predator-Free Taranaki* project.

Background

On 30 May 2018, the Conservation Minister launched the *Towards Predator-Free Taranaki* project. The *Towards Predator-Free Taranaki* project is the first large-scale project with the long term aim of removing introduced predators from the region.

Supported by more than $11 million from Predator Free 2050 Ltd (PF2050), the company set by the Government in 2016 to help New Zealand achieve its predator-free 2050 goals, the project aims to restore the sound and movement of our wildlife, rejuvenate native plants in urban and rural Taranaki, and protect agriculture.

The project's ultimate aim is to eradicate stoats, rats, and possums across the region by 2050. This ambitious goal has not been attempted before, and the first phase of the project will trial control methodologies, new tools and monitor results to inform future implementation. The latest technologies – including remote sensors, wireless nodes and a trapping app – and trapping techniques will being used to remove predators and prevent re-infestations. The high-tech equipment makes trapping more efficient, particularly in rural areas, and sends a smartphone alert to the user when the trap goes off.

Three different phases of work began around the mountain, starting in the New Plymouth area, Oakura, and the Kaitake range. These phases represent the three different elements to the project: urban trapping, rural control, and zero possums. Monitoring work and site-led work has begun and officers have had input into several technological innovations. This memorandum provides an update in respect of the main elements of the project and details future work.

Towards Predator-Free Taranaki – an overview

There has been a hugely positive response from communities wanting to restore our regional biodiversity by getting behind the *Towards Predator-Free Taranaki* Project as it continues to roll out across the New Plymouth District.

Five successful public workshops were held in New Plymouth to promote the urban project and these resulted in approximately 1000 new traps being deployed across the city.

Officers held a joint open day in Oakura with Taranaki Mounga Project (TMP) and community partners to promote the urban project in Oakura and the joint efforts of TMP and the Council in the Kaitake Range (the Zero Possum Block project element). This joint project is now branded as 'Restore Kaitake' and it aligns with the objectives of Wild for Taranaki. There were approximately 300 people in attendance at this event.

Operational control plans are required for each element of the overall project and these have been completed and submitted to Predator Free 2050 Limited.

Progress and milestones

Urban predator control
There has been very good attendance at urban workshops, with approximately 80 people per event. Six schools are now distributing traps, with more schools expressing interest in being involved. The design of the New Plymouth District Council trap network has been completed, and a stall has been established at the seaside market in New Plymouth.

Individuals, groups and schools are fundraising to purchase traps and are encouraged to register their traps on Trap.NZ so that data can be collated on how, where, and when the predators are being caught. This helps the Council to identify clusters of pests and tweak the trapping network.

Rural Landscape Predator Control
Officers have begun signing up landowners for the first year of the rural landscape predator control and this work involves the majority of the environment services team. Five sites have been targeted for site-led intensive rodent control within the PF2050 footprint over 2018 and 2019 and plans are being developed for each site.

A significant amount of technological testing and system integration is underway with suppliers, including testing and integration of the Econode wireless trap monitoring devices.

Trap layout and density is now finalised, using a mix of A24 self-re-setting traps and DOC250 traps. In addition, design of the camera trap monitoring methodology for monitoring of mustelid densities is almost complete.

Zero Density Possums
Planning and field inspections are underway for implementation of the virtual barrier and a cross-agency design team has been established. The first trap line has been cut for the virtual barrier and contractors will start work in block 'A' on 1 October 2018. Planning for a detection network on DOC and private land is underway.

Next steps

Officers will continue to hold urban workshops for the public and to sign up landowners for year one of the rural zone. The cross-agency design team and contractors will begin construction of the virtual barrier in Pukeiti and camera trap pre-control monitoring will be undertaken in the rural project.

Contractors will also begin the roll-out of the increased trap network for the urban New Plymouth District Council reserves.

Decision-making considerations

Part 6 (Planning, decision-making and accountability) of the *Local Government Act 2002* has been considered and documented in the preparation of this agenda item. The recommendations made in this item comply with the decision-making obligations of the *Act*.

Financial considerations—LTP/Annual Plan

This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Iwi considerations

This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum. Ngā Iwi o Taranaki support the project and supported the application for funding through the Taranaki Iwi Chairs Forum. We are working closely with hapu of Te Atiawa and Taranaki Iwi in all three phases, but especially in the Kaitake range, which is of high cultural importance.

Legal considerations

This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Agenda Memorandum

Date 9 October 2018

Memorandum to
Chairperson and Members
Policy and Planning Committee

Subject: Proposed Coastal Plan for Taranaki: Report on submissions

Approved by: A D McLay, Director-Resource Management

B G Chamberlain, Chief Executive

Document: 2126743

Purpose

The purpose of this memorandum is to introduce an officers report on submissions to the *Proposed Regional Coastal Plan for Taranaki* (Proposed Plan) and to recommend that the report be circulated to submitters as a basis for pre-hearing consultation. It is hoped this process will resolve or clarify those issues in submissions that will require to be heard at a Council hearing.

A copy of the officers report on submissions and a revised Proposed Plan showing recommended amendments are attached separate to the Agenda.

Executive summary

- Pursuant to the *Resource Management Act 1991*, the Taranaki Regional Council (the Council) has commenced the formal review process involving the release of the Proposed Plan.
- The Proposed Plan was the culmination of a comprehensive pre-plan notification engagement process, involving early engagement, consultation on position papers and technical reports and the earlier release of a Draft Plan. The pre-plan consultation resulted in many changes to the Proposed Plan, including those made as a result of tangata whenua consultation.
- The Proposed Plan was publicly notified for submissions on 24 February 2018. The deadline for submissions was 27 April 2018.
- Sixty-one submissions on the Proposed Plan were received and summarised in the Summary of decisions requested document, which was publicly notified on 21 July 2018 along with public notice calling for further submissions in support or opposition to the initial submissions.
- The attached officers' report presents, by Plan provisions, individual submission points that outline the decision(s) requested by the submitter. For each submission point, the officers' preliminary response to the decision requested and any support or opposition

from further submitters to the decision requested by the initial submitter is also provided.

- The main issues raised in submissions and addressed in the report are: integrated management; coastal management areas and the coastal environment boundary; use and development; recognition of regionally important infrastructure; the identification of tangata whenua principles, values and sites of significance; the protection of surf breaks, and the protection of indigenous species, and rules permitting, controlling and prohibiting activities in the coastal management area.
- It is proposed that the officers report be used as a basis for pre-hearing consultation with submitters over the next three to four months. This step should reduce the number of issues that submitters may wish to present at a hearing of submissions.
- A hearing of submissions could take place in March or April 2019, or earlier if appropriate.

Recommendations

That the Taranaki Regional Council:

1. receives the memorandum on the *Proposed Coastal Plan for Taranaki: Report on Submissions*; and
2. agrees to distribute the report to submitters as a basis for pre-hearing meetings.

Background

Pursuant to the *Resource Management Act 1991* (RMA) the Taranaki Regional Council (the Council) is responsible for promoting the sustainable management of the coastal marine area of the Taranaki region and is required to prepare a Coastal Plan. The coastal marine area refers to the 'wet bit' of the coast. Its landward boundary is the mean high water mark and it extends seaward to 12 nautical miles (22 km). Beyond this is the Exclusive Economic Zone, which is managed by the Environmental Protection Authority (EPA), based in Wellington.

Taranaki's 'rule book' governing the coastal marine area is under review. The current Coastal Plan was made operative on 1 October 1997. The Plan was the first prepared under the RMA.

As Member are aware, the Taranaki Regional Council (the Council) has commenced the formal review process involving the release of a *Proposed Coastal Plan for Taranaki* (the Proposed Plan) for public submissions. As part of the review, consideration was given to changes in legislation and case law over the previous 10 years that might change the purpose and content of the Proposed Coastal Plan and the state of the environment monitoring, which shows good results being achieved and changing environmental issues, attitudes and priorities, which have flagged some issues for ongoing or heightened attention.

This work led to the preparation of a draft version of a Proposed Coastal Plan for Taranaki which was subject to wide ranging stakeholder review in and legal audit. This then informed the development of the Proposed Coastal Plan, which was presented to Council and publicly notified for submissions on 24 February 2018. The deadline for submissions was 27 April.

The Proposed Plan was accompanied by a report required under section 32 of the RMA (the section 32 report) which contained an evaluation of the costs and benefits of adopting the objectives and policies in the Proposed Plan, consideration of alternatives and of the appropriateness of the provisions of the document for achieving the purpose of the Act. Members should note that Section 32AA of the RMA requires a further evaluation of any changes proposed for the Proposed Plan since the evaluation report was completed.

Sixty-one submissions on the Proposed Plan were received and summarised in the *Summary of decisions requested* document, which was presented to Council and publicly notified on 21 July 2018. The public notice of the 'summary of submissions' also called for further submissions in support or opposition to the initial submissions.

A total of 25 further submissions were received in support or opposition to the initial submissions by the closing date of 4 August.

The Proposed Coastal Plan

As previously noted, the purpose of the Proposed Coastal Plan is to assist the Council to carry out its functions under the RMA to promote the sustainable management of the coastal resources in the Taranaki region.

The Proposed Plan contains rules setting out environmental standards and conditions for activities within the coastal marine area including discharges; structures and occupation; disturbance, deposition and extraction; reclamation or drainage and taking or use. The Proposed Plan also contains general standards that address light, noise and structure heights for different situations and locations within the coastal marine area.

The Proposed Plan also contains general policies and methods that recognise that the effects of activities in the coastal marine area may extend across the wider coastal environment.

Section 67 of the RMA contains a 'recipe' for the contents of regional plans. All regional plans must state:

- the objectives for the region; and
- the policies to implement the objectives; and
- the rules (if any) to implement the policies.

The requirements as to the contents of the Proposed Plan must also be borne in mind when considering submissions made on the Proposed Plan. Fundamentally though, the Proposed Plan is to achieve the purpose of the RMA itself and the contents of the Plan will need to reflect this purpose.

The submissions

As noted above, 61 initial submissions and 25 further submissions were received on the Proposed Plan.

The further submitters have supported or opposed in whole, or in part, the submissions made by the initial submitters. Further submitters are not legally able to raise new submission points in their further submissions but are simply to support or oppose the submissions already made.

Officers have undertaken an analysis of the 61 initial submissions and 25 further submissions. Many submissions indicate support for the overall content and management approach contained within the Proposed Plan with a number of submissions requesting that certain provisions be retained. However, there have also been many requests for change, some of which are to clarify the meaning of current provisions or to add further context and others, which seek deletions from or additions to specific provisions of the Proposed Plan.

The main issues raised in submissions are set out below. Key issues/themes to emerge in the submissions were:

- Integrated management: a number of submitters commented on integrated management across the coastal environment, including potential linkages with other legislation, other policy directions, including the *New Zealand Coastal Policy Statement*, and other organisations.
- Coastal management areas: some submitters sought amendment to or the addition of new coastal management areas and/or for the Council to map the extent of the coastal environment boundary landward of the coastal marine area.
- Use and development: many submitters commented on use and development, including the 'appropriateness' or otherwise of certain use and development activities, including network utilities, oil and gas exploration and production, and seabed mining.
- Regionally important infrastructure: there was significant support for recognising certain activities as being nationally and regionally significant to the social, economic and cultural well-being of people and community in the region.
- Tangata whenua principles, values and sites of significance: a number of submitters provided specific comments relating to the recognition and provision of tangata whenua principles in Plan provisions, the identification and protection of sites of significance, methods of implementation, and the application of mātauranga Māori.
- Surf breaks: there was strong support but also some opposition for Plan provisions addressing the protection of surf breaks in the region, including the designated Significant Surfing Area.
- Indigenous biodiversity: there was significant support for Plan provisions addressing the protection and enhancement of indigenous biodiversity. However, a number of submitters sought amendments seeking higher levels of protection and or the mapping of significant indigenous biodiversity.
- Rules: Mixed views relating to the level of control for rules allowing, controlling or prohibiting specific activities in the coastal marine area.

Officers report on submissions

The officers report on submissions (attached separate to the Agenda) carefully analyses every submission point raised in each submission and provides a recommendation in relation to each submission point for consideration by the Council.

The officers report is divided into three parts.

Section 1 introduces the officers report by outlining the purpose of the report, its scope and background, and the approach taken to reporting on the submissions.

Section 2 identifies the initial and further submitters.

Section 3 contains the main body of the officers report. It presents each of the submission points raised by the 61 initial submissions in chronological order (following the order of the Proposed Plan). For each submission point it sets out:

- the decision sought by the submitter;
- the name of further submitters (if any) who have either supported or opposed the submission point;
- the response to the decision sought; and
- a recommendation on the decision sought.

Recommendations in the officers report are either that the relief sought by the submitter is 'accepted', 'accepted in part', 'accept in kind', 'declined', or, in some cases, 'no relief necessary' if officers already consider the relief requested to be provided through the Proposed Plan. Some submitters have not requested direct relief and instead seek points of clarification, in these instances officers responses are considered 'neutral'. Where recommendations contain wording from the Proposed Plan this is shown in italics with proposed word changes in red with additions underlined and proposed deletions shown by a line through the word or words to be deleted.

Some submitters have not stated clearly the decision they wish the Council to make or the reason behind the submission. In such cases, the intent of the submission has been inferred from the submission and a response made accordingly. Submitters will have a further opportunity to clarify their submissions in responding to the report and in pre-hearing meetings or at a Council hearing.

Revised version of the Proposed Plan

Also attached separate to the Agenda is a revised version of the Proposed Plan, that, as far as is practicable, shows additions, deletions and other amendments to the Proposed Plan in response to submitters' requests.

Next Steps

Following consideration of the attached officers' report on submissions, it is proposed that the report be circulated to all submitters. Submitters would be invited to consider the response and recommendations in the report in relation to their submissions and indicate whether:

- they are satisfied with the response and recommendations in the report and do not wish to appear at a hearing of submissions;
- they wish to engage in pre-hearing consultation to discuss the response and recommendations in the report with a view to narrowing down the issues to be presented at a hearing of submissions or deciding subsequent to the pre-hearing consultation that they do not wish to appear at a hearing of submissions; or
- they do not wish to engage in a pre-hearing meeting but wish to appear at a hearing of submissions.

Members should note that at this stage the Council is not formally adopting the report or its recommendations. The report is a draft only and has been prepared to inform the

consultation process prior to a formal hearing of submissions. Formal decisions on submissions will be made and changes to the Proposed Plan will be adopted following the hearing of submissions.

Depending on the number and availability of submitters who wish to engage in pre-hearing consultation, such meetings, discussions etc would take place over the next three to four months. A further report will then be presented to the Council on the outcome of the pre-hearing consultation. That report will then be circulated to all submitters with notice of a date and time for the hearing of submissions. Submitters would be asked to consider the report on submissions subsequent to pre-hearing consultation and indicate whether or not they now wish to appear at the hearing of submissions.

Previous experience with pre-hearing meetings is that they have been very useful in developing a mutual understanding of issues and in reducing the number of submitters who wish to appear at a hearing or narrowing down the number of issues to be presented at the formal hearing. All going well, a hearing of submissions could take place in March or April 2019.

Decision-making considerations

Part 6 (Planning, decision-making and accountability) of the *Local Government Act 2002* has been considered and documented in the preparation of this agenda item. The recommendations made in this item comply with the decision-making obligations of the *Act*.

Financial considerations—LTP/Annual Plan

This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Iwi considerations

This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum. Of note, 13 iwi, hapu and/or other Māori organisations and individuals have submitted on the Proposed Plan. Officer responses to decisions sought by these submitters have been addressed in both the officers report and the amended Proposed Plan.

Legal considerations

This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices/Attachments – 3 separate reports

Document 2025227: Track change version of the Proposed Coastal Plan 09/10/18
Document 2026736: Track change version of the Proposed Coastal Plan Schedules 09/10/18
Document 2130863: Officers report prehearing consultation for Proposed Coastal Plan 09/10/18.

Agenda Memorandum

Date 9 October 2018

Memorandum to
Chairperson and Members
Policy and Planning committee

Subject: **New Zealand Marine Oil Spill Readiness and Response Strategy 2018-2022**

Approved by: A D McLay, Director – Resource Management

B G Chamberlain, Chief Executive

Document: 2128052

Purpose

The purpose of this memorandum is to introduce the New Zealand Marine Oil Spill Readiness and Response Strategy 2018-2022 and to note the Council's role in assisting Maritime New Zealand to implement the Strategy.

The Strategy can be found on Maritime New Zealand's website at https://www.maritimenz.govt.nz/public/environment/responding-to-spills/documents/Oil-spill-response-strategy.pdf

Executive summary

The New Zealand Marine Oil Spill Readiness and Response Strategy 2018-2022 sets the overarching framework for how Maritime New Zealand (Maritime NZ) in conjunction with industry, local government, iwi and other partners will respond to a marine oil spill incident.

The current document was released in August 2018 and is the fifth revision since it was first established in 1992. The last revision was in 2014.

The purpose of the Strategy is to describe actions to be taken and by whom in a response to a marine oil spill and to promote a standard and coordinated national readiness and response system. It has four goals that target key areas that Maritime NZ believes are critical for maintaining and improving our readiness and response system. These include having the right information and expertise, maintaining good stakeholder relationships and ensuring the appropriate resources and capabilities are in place for Maritime NZ to respond to Tier 3 incidents and for industry and regional councils to respond to Tier 1 and Tier 2 incidents respectively.

The Strategy is particularly important for Taranaki as we are the only oil producing region in New Zealand but it also applies to other parts of New Zealand in dealing with the risk of hydrocarbon spill from ships etc.

The Council has a Tier 2 Regional Marine Oil Spill Contingency Plan in place. This plan identifies the risks in the region from marine oil spills and sets out responses in the event of a spill occurring. The Council has a team of trained responders that are involved in regular training exercises with industry and other stakeholders and with Maritime NZ. These have been very well run and have been highly beneficial preparation for a marine oil spill response at Tier 2 or Tier 3 levels.

Overall, the Council's readiness and response capabilities for marine oil spill responses at the Tier 2 level are fit-for-purpose. However, Council staff would like to see more oil spill equipment in place at Port Taranaki in recognition of the high risk of a marine oil spill associated with Taranaki's oil and gas sector. This will be addressed in future under current Strategy provisions.

Recommendations

That the Taranaki Regional Council:

1. receives the memorandum *New Zealand Marine Oil Spill Readiness and Response Strategy 2018-2022;*
2. notes the Strategy is important for Taranaki given it is the only oil producing region in New Zealand; and
3. notes the important role of the Council in assisting Maritime New Zealand to implement the Strategy.

Background

The New Zealand Marine Oil Spill Readiness and Response Strategy sets the overarching framework for how Maritime New Zealand (Maritime NZ) in conjunction with industry, local government, iwi and other partners will respond to a marine oil spill incident.

Under the Maritime Transport Act 1994, Maritime NZ is required to prepare a New Zealand oil spill response strategy and to update it regularly. The current document was released in August 2018 and is the fifth revision since it was first established in 1992. The last revision was in 2014.

Senior Council staff have been involved in the review of the Strategy through membership of the Oil Pollution Advisory Committee (OPAC) and given the importance of the oil and gas industry in the region.

The purpose of the Strategy is to:

- promote a standard and coordinated national marine oil spill readiness and response system;
- provide Maritime NZ with the strategic intent and direction to shape how New Zealand maintains and enhances its preparation for readiness and response to marine oil spills; and
- describe actions to be taken and by whom in a response to a marine oil spill.

The Strategy is a core element of Maritime NZ's contribution to managing environmental and health and safety risks from the oil and gas industry when it is operating in New Zealand's marine environment.

The Strategy contains four goals, and with their supporting objectives and activities, target the key areas Maritime NZ believes are critical for maintaining and improving our overall readiness and response system. The goals are:

> **Goal 1:** New Zealand is able to respond effectively to a significant (Tier 3) marine oil spill.
>
> **Goal 2:** New Zealand readiness and response capability meets national and international best practice.
>
> **Goal 3:** Industry (Tier 1) and regions (Tier 2) have a readiness and response capability that matches the scale of their responsibility and risk.
>
> **Goal 4:** Maritime NZ builds and maintains relationships that improve readiness and response to marine oil spills and meet international obligations.

Members should note that the focus of the Strategy is on readiness and response to marine oil spills. This involves the development of operational systems and capabilities (for example having training programmes in place) before a marine oil spill happens (readiness), and the actions taken immediately before, during or directly after a marine oil spill occurs (response). The other elements applied nationally to risk management, namely risk reduction and recovery, are dealt with to some extent by Maritime NZ, but are more fully addressed by other legislation and agencies. These aspects are nevertheless, outlined in the Strategy to promote a coordinated and integrated approach to marine oil spills.

Goals 2 and 4 of the Strategy are about having the capability and resources necessary to implement best practice oil spill readiness and response activities and to maintain and enhance relationships with stakeholders that continually improve our readiness and response capability.

Goals 1 and 3 on the other hand, implement a three-tiered approach to marine oil spill readiness and response in accordance with the level of risk. Tier 1 oil spills are responded to and resolved by the operator while Tier 2 oil spills are generally those beyond the capability of the operator acting alone where the response is led by the local regional council. Tier 3 oil spills are generally more complex, of longer duration and impact, and beyond the response capability of the regional council or the operator. The response to Tier 3 spills is nationally led and coordinated by Maritime NZ.

Tier 3 responses may be augmented and supported with assistance from other national and international organisations and agencies.

Arrangements are in place to secure overseas assistance if the scale of an incident is beyond New Zealand's domestic capability.

Discussion

In the past, the Council has argued for an increase in the levies that are directed into the Oil Pollution Fund. This fund provides the main financial support for oil pollution readiness and response functions including the purchase of equipment for Tier 2 or Tier 3 responses, training programmes and clean-up costs. The fund is derived from a levy on ships and oil sites (oil platforms and pipelines etc.) that is proportional to the overall level of risk presented by the various sectors.

One of the objectives under the strategy is to ensure Maritime NZ has sufficient capability and resources to evaluate and implement best practice oil spill readiness and response activities (page 16 of the Strategy). This objective is supported, although there will always be debate as to the level of risk presented and therefore the quantum of the levy that should be applied.

However, there have been significant improvements in recent years in Maritime NZ's capability to respond to a significant marine oil spill (Tier 3) following the MV *Rena* grounding on the Astrolabe Reef off the coast of Tauranga in 2011.

In terms of Tier 1 readiness and response capability (pages 22 and 23 of the Strategy) it is pleasing to see that Maritime NZ has identified as a priority, work that remains to be done in bringing operators' Tier 1 response capabilities around the country up to an appropriate level. In general, operators in Taranaki have very good oil spill response plans in place.

In line with the previous Strategy, regional response requirements (Tier 2) are based on having a capability to respond to typical Tier 2 spills that have occurred over the last 15 years (page 22 of the Strategy). These spills largely result from small vessel casualties, such as fishing vessel groundings and sinkings, or from bilge discharges within ports. However, Taranaki is the only oil producing region in the country with associated ships, tankers, and pipelines and often rough weather in a coastal environment exposed to the prevailing westerly weather systems. For these reasons, the Council has argued strongly in the past for an increase in the stockpiles of oil spill response equipment held at Port Taranaki.

The Strategy acknowledges that there are Tier 2 spill scenarios with response requirements that exceed the typical response activities described above. For such events, the Strategy maintains that New Zealand's response system allows these spills to be effectively responded to with external assistance to a regional council provided by other regional councils or by the national response capability.

However, the Strategy (page 23) does commit to a review of regional equipment stockpiles and their distribution and to update them in line with the review recommendations. This is expected to take place within the term of the current Strategy.

A further important aim of Maritime NZ is to ensure that there are sufficient numbers of trained regional personnel to support and sustain a significant Tier 2 or Tier 3 response. The number of trained responders each region is required to maintain was reviewed and resulted in the need for more regionally trained personnel. Maritime NZ has committed through the Strategy to ensuring that regional councils maintain their numbers of trained personnel at the required level.

Taranaki has a team of 27-trained responders, made up of Council staff and industry representatives that are involved in regular training exercises with Maritime NZ. This includes two regional on-scenes commanders. The exercises have been very well run and have been highly beneficial preparation for a marine oil spill response at Tier 2 or Tier 3 levels. The Council receives funding to maintain this capacity.

Council staff have also been involved at the national level including membership of the National Response Team and input into the review of the Strategy. Our Iwi Communications Officer, Sam Tamarapa is a member of the National Response Team.

The Council has a Tier 2 Regional Marine Oil Spill Contingency Plan in place. This plan identifies the risks in the region from marine oil spills and sets out responses in the event of a spill occurring. It also identifies when a spill is likely to result in the declaration of a Tier 3 event. Iwi have been involved in the preparation of the Plan and participate in training exercises.

Overall, the Council's readiness and response capabilities for marine oil spill responses at the Tier 2 level are fit-for-purpose. However, staff would like to see more oil spill equipment in place at Port Taranaki in recognition of the high risk of a marine oil spill associated with Taranaki's oil and gas sector. This will be addressed in future under current Strategy provisions.

Decision-making considerations

Part 6 (Planning, decision-making and accountability) of the *Local Government Act 2002* has been considered and documented in the preparation of this agenda item. The recommendations made in this item comply with the decision-making obligations of the *Act*.

Financial considerations—LTP/Annual Plan

This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Iwi considerations

This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Local iwi have participated in local oil spills and in oil spill exercises.

Legal considerations

This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Agenda Memorandum

Date 9 October 2018

Memorandum to
Chairperson and Members
Policy and Planning Committee

Subject: **SEM Freshwater physico-chemical monitoring programme 2016-2017 report**

Approved by: G K Bedford, Director-Environment Quality

B G Chamberlain, Chief Executive

Document: 2125944

Purpose

The purpose of this memorandum is present an update to the Committee on the latest results of the Council's annual state of the environment monitoring programme for fresh water quality (physicochemical measures). Current and long-term trends are also set out for Members' information.

The full physicochemical report (*Freshwater Physicochemical Programme State of the Environment Monitoring Annual Report 2016-2017, Technical Report 2017-64*) is available upon request. It provides details of the Council's monitoring of the SEM freshwater physicochemical sites in the 2016-2017 year, including analysis of trends in this data since 1995. It also includes a summary of an extended programme of sampling by the Council undertaken in 2015-2016 to further examine the representativeness of the monitoring network. The Executive summaries and recommendations of the reports are attached to this memorandum.

There will be a presentation on the material during today's meeting.

Executive summary

In order to ascertain the successful adoption and application or otherwise of the Council's policies and methods of implementation, the Council conducts 'state of the environment' (SEM) monitoring to obtain and report up to date robust information for parameters that characterise the region's environment and resources. The results and findings of each annual SEM programme for the region's freshwater systems can be interrogated to determine trends and changes in trends in the quality of freshwater's physicochemical parameters, alongside the information on the current 'state' of the region's freshwater resources that SEM generates. With SEM established in 1995, the database is extensive enough to allow regular robust trend analysis, conducted according to nationally recognised methodologies, for such reviews.

Further, with the establishment of national standards for water quality by the Government through the National Policy Statement for Freshwater- National Objectives Framework, and the requirement that representative monitoring be established for each of the region's

Freshwater Management Units, the Council and regional community can determine how good Taranaki's surface water is according to nationally recognised criteria.

The latest results and findings describing the state of and long-term trends in the state of physicochemical data from the report are summarised and presented herein for Members' information. This report also includes a separate section on trend analysis for the most recent 7-year period (2010-2017), which has been provided so the Committee and public can review both the long-term and the most recent trends. Recent trend data reflects the effects of the Council's methods of water management through the provisions of the current Regional Fresh Water Plan and its implementation. Results that are statistically and environmentally significant are identified.

Further, this memorandum also assesses the state of the region's waterways in the light of the attribute values (standards) established within the National Objectives Framework (NOF) that is part of the National Policy Statement for Freshwater Management 2014 (NPS-FW). This gives the Council and community guidance as to whether the surface waters in Taranaki are 'good' or 'bad', according to nationally promulgated criteria.

Flows: flows in 2016-2017 were characterised by much higher median flows in almost all rivers and streams sampled by the programme, although with neither floods nor very low flows being sampled.

Aesthetic, physical and chemical measures: Not surprisingly given the high flow regimes, in general water quality was comparatively poorer in clarity, in bacteria numbers, and in nutrient levels, than was typical in the past. Narrower temperature ranges, mainly due to lower maximum temperatures, and higher median water temperatures, were measured in the 2016-2017 period compared with ranges and medians measured during the first 21 years of the SEM programme. The 2016-2017 median dissolved reactive and/or total phosphorus levels were higher at six sites and lower at two sites. Median nitrate and/or total nitrogen species' levels were higher at seven sites, while median ammonia nitrogen levels were lower at three sites and higher at three sites. These generally poorer water quality results during the year have consequently affected short-term and long-term trends in quality. The 2016-2017 median levels of dissolved oxygen saturation and pH were both similar to long term medians. Biochemical oxygen demand (a measure of putrescible organic material) reduced (improved) at two sites but was otherwise typical.

Sites: Several measures in the Stony River showed continuing deterioration, following a natural erosion event in February 2017 (a year after another similar event). The Maketawa site showed a number of deteriorations in median results across a number of parameters, in 2016-2017. Another five sites had at least five parameters showing different from usual quality, which may be related to the greater proportion of higher flows sampled. The highest number of parameters that were better than usual were found at the Waingongoro River (lower reach) site.

The state of our waterways: Comparing the 2014-2017 results against the nutrient criteria set out in the compulsory National Objectives Framework (NOF), there are 60 results which can be categorised, across 4 parameters. Seventy-eight % of all results lie in their respective 'A' band, and 20% in the 'B' band- a total of 98.3% of all results for water quality in Taranaki being either 'A' or 'B'. No results fall below the national bottom lines.

In terms of the NOF criteria for swimmability, there are 75 possible gradings (4 parameters plus the overall assigned grade, for each site). Three sites (20%) and 25% of all results met at least the 'C' grading. Sites higher in catchments had better gradings than those lower down.

It is important to note that most of the SEM sites in the programme are not considered contact recreational sites; the streams are too shallow, cold and/or small for recreational bathing activities. Nevertheless the Government requires that for a regional perspective, swimmability is measured at these sites.

Long term (22-year) physicochemical trends have shown some significant deterioration in some aspects of water quality (particularly **phosphorus**) in many of the sites regardless of their position in a catchment. The lower Waingongoro River site is the notable exception, showing significant reductions in both forms of phosphorus. On the other hand, there has been a significant long term improvement in **total nitrogen** at four of the eleven sites monitored, with other sites showing no significant trend. **Nitrate** is showing deterioration at only 2 of the 11 sites monitored, and **ammonia** is likewise generally stable at other than 3 sites. Long term trends for **faecal coliforms and enterococci bacteria** showed no clear regional pattern, with deteriorations in the Mangaoraka and in one indicator species in the Punehu and Waiwhakaiho, and improvement in the upper Punehu Stream and Mangaehu. Significant deteriorations in black disc clarity were recorded at two sites, one of which reflected historical erosion events in the headwaters (Stony River). Almost all sites are reducing in temperature, although not at a rate that is considered ecologically meaningful. This result could be the effect of the regional riparian management programme.

The greatest improvement in long term water quality has been illustrated in the Waingongoro River at SH 45, with significantly improving trends in DRP and total phosphorus, and with reduction in nitrate and total nitrogen by slightly less than the rate defined as significant. This improvement has been coincident with land-irrigation of a major industrial (meatworks) discharge and the diversion of Eltham's WWTP discharge out of the river in recent years. The Mangaehu River and upper Punehu Stream also show improving long term trends. Most long term deterioration in aspects of water quality have been found in the lower reaches of the Mangaoraka Stream, where five parameters have significantly deteriorated (both phosphorus species, both bacteriological species and black disc), the mid-reaches of the Waiwhakaiho River, where four parameters have deteriorated significantly (dissolved phosphorus, nitrate, ammonia and faecal coliforms), and the lower Punehu Stream (four nutrient species and enterococci). More recent data for these sites indicate the deterioration has been virtually eliminated in the Mangaoraka and the Punehu streams.

Analysis of recent trends indicates a positive direction of trends in water quality, although the latest seven-year trends do not show the same wide-spread improvements that had been evident in this analysis in recent years. This correlates strongly with prevailing weather patterns, with 3 of the last 4 and 4 of the last 6 years being markedly wetter than typical in terms of flows during sampling runs. Over the last 6 years, the annually updated record of the number of parameters showing either maintenance or improvement in the most recent 7 year period, has fallen from 99% to 84% of all measures annually reported. Nevertheless, the rolling seven-year trends remain more positive than the long-term trends, with fewer sites and measures showing significant deterioration, particularly in nutrient concentrations; and further, the percentage of measures showing either maintenance or improvement in the long term has continued to climb steadily (up 7% in the past 7 years) even though short-term changes are not currently as numerous as they have been in the past. Other measures (bacteria, organics, aesthetics) show no regional pattern of change in either direction.

Thus, there continues to be a clear pattern of trends in water quality parameters becoming more positive as time passes, notwithstanding that on a year by year basis there will be natural fluctuations.

The report makes recommendations to continue the freshwater physicochemical component of the SEM programme in a similar format (with minor changes to sampling) and to update the trend analysis reports following analysis at the end of the 2017-2018 year.

The value of this monitoring and analytical work lies in the advantage of up-to-date feedback to the Council and regional community on the consequences of land use and water quality management initiatives adopted in the region. The monitoring shows that the Council and community are giving effect to the *Regional Fresh Water Plan for Taranaki*. In addition, the report helps give a regional perspective to national-level reviews of water quality and water quality management that are released from time to time.

In 2015-2016 the Council also ran an extended monitoring programme that incorporated a number of additional sites. The purpose in doing so was to examine the representativeness of the existing network, utilising actual monitoring results. This examination is included in the report being presented today. In summary, for all physicochemical parameters, the range of values across the regular SEM sites encompassed the range found across the additional "comparative" sites. That is, under base flow conditions monitored seasonally over the full course of a year, the existing SEM sites were found to already represent the full range of baseline water quality in the Taranaki region. No site in either the existing network (11 catchments) or the 5 additional catchments gave anomalous results.

Recommendations

That the Taranaki Regional Council:

1. receives this memorandum noting the preparation of a report on the state of and trends in regional physicochemical water quality data for Taranaki, for 2016-2017 and over the periods 1995-2017 and 2010-2017 respectively, together with information on compliance with the NOF and regional guidelines;
2. receives the report *Freshwater Physicochemical Programme State of the Environment Monitoring Annual Report 2016-2017 Technical Report 2017-64;*
3. notes the findings of the trend analyses of data from the SEM physicochemical programme;
4. notes the findings of the analysis of water quality state data from the SEM physicochemical programme;
5. notes the findings of examination of the representativeness of the existing monitoring network; and
6. adopts the specific recommendations therein.

Background

This Committee has been regularly informed of the findings that emerge from the Council's various fresh water 'state of the environment' monitoring programmes. These programmes are important as indicators of the effectiveness of the Council's and community's

interventions and resource management initiatives addressing fresh water quality in the region. Members will be aware that there is a high level of interest nationally in the state and management of the country's fresh water resources.

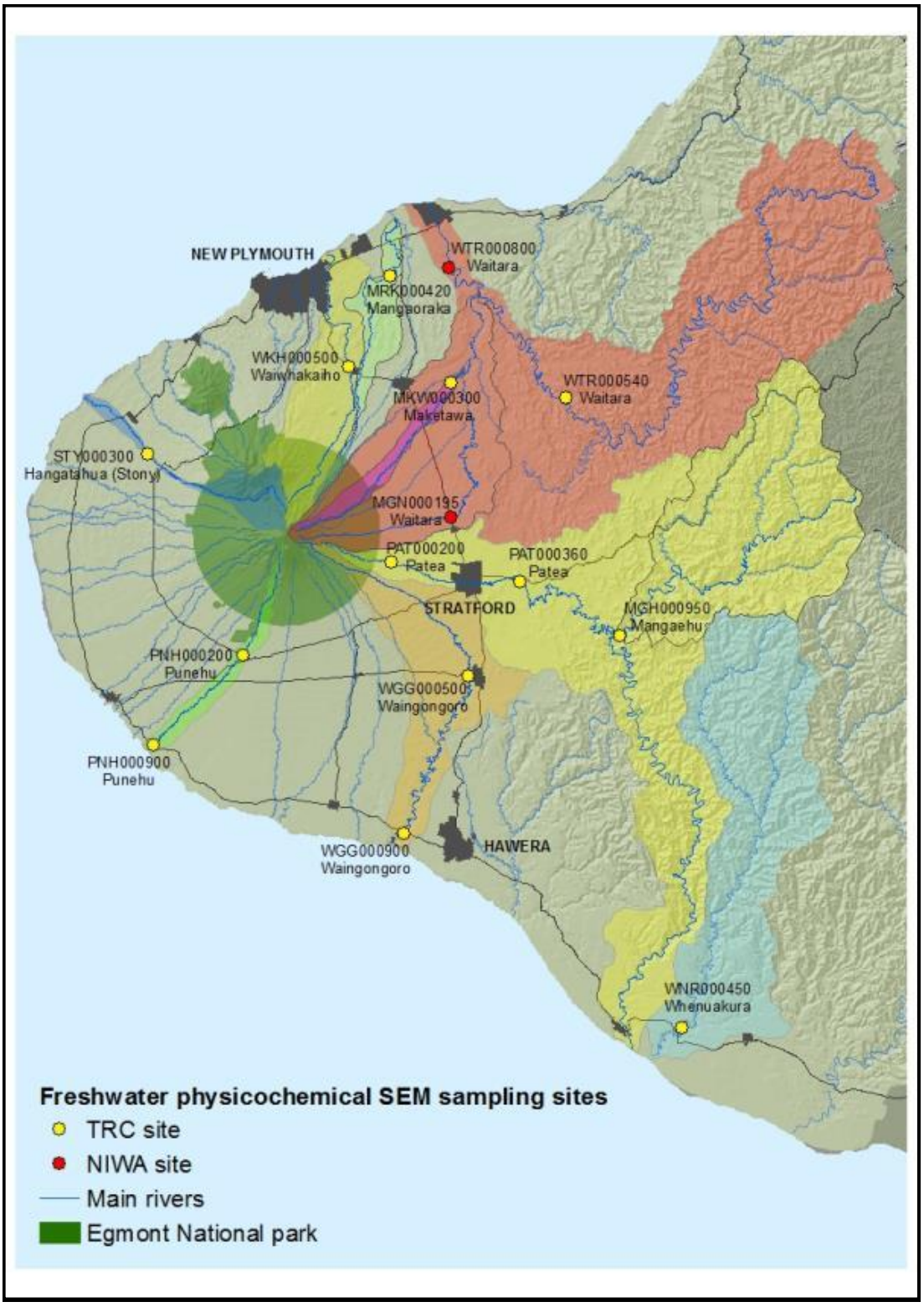
The *Regional Fresh Water Plan for Taranaki* contains objectives to manage the state of the region's surface freshwater. Objective 6.2.1 requires the Council and region 'to maintain and enhance the quality of the surface water resources of Taranaki by avoiding, remedying or mitigating the adverse effects of contaminants discharged to land and water from point sources', while Objective 6.3.1 is an equivalent objective for diffuse sources of contaminants. In Section 10.3 of the Plan, the Council commits to continued monitoring, research and investigations related to fresh water quality, to provide information on the state of fresh water in the region and the effectiveness of the Plan.

Section 4 of the RFWP recognises that iwi seek the recognition of the values of water and protection of the mana, mauri, and wairua of waterways against contamination; maintenance of the quality of water for its ability to provide mahinga kai; and respect for wāhi tapu and other areas or resources that have special significance.

The Council's 2012-2022 LTP has, under the 'Levels of service' specified for resource management, a commitment to '*maintain and enhance overall water quality in our rivers and lakes, groundwater and coastal waters*'. The measure for this activity is: '*parameters that characterise the physical, bacteriological, biological and chemical quality of surface water*', and the target is '*improvements in nutrient levels.. appearance... organic contamination... bacterial levels... temperature and algal cover, against a baseline of 1995 water quality, as applicable, at 10 representative sites*.'

Staff have, and have been trained in, the software and methodology used by NIWA for trend analysis of freshwater systems, to ensure that data and analysis provided to the Council and the public of Taranaki is robust, defensible, and consistent with analyses delivered at a national level. In this way timely and reliable feedback on the quality and health of the region's streams and the effectiveness of water quality management in the region can be generated and utilised.

The Council has previously received reports on the latest results of the companion SEM programmes monitoring the state of the ecological health of the region's streams as shown by macroinvertebrate communities and periphyton assemblages (Policy and Planning Committee, 17 July 2018).


NEW PLYMOUTH
WTR000800
Waitara
MRK000420
Mangaoraka
WKH000500
Waiwhakaiho
MKW000300
Maketawa
WTR000540
Waitara
STY000300
Hangatahua (Stony)
MGN000195
Waitara
PAT000200
Patea
PAT000360
Patea
STRATFORD
MGH000950
Mangaehu
PNH000200
Punehu
WGG000500
Waingongoro
PNH000900
Punehu
WGG000900
Waingongoro
HAWERA
WNR000450
Whenuakura
Freshwater physicochemical SEM sampling sites
TRC site
NIWA site
Main rivers
Egmont National park

Discussion

State of the region's waterways

The Council monitors 11 sites on its own account, and also makes use of data from two further sites monitored by NIWA (for a smaller range of parameters). In years gone by, one Council site was also monitored independently by NIWA (lower Waingongoro River site). This duplicated sampling regime provided a quality control and independent audit function for both agencies. However, NIWA have now reduced its national water quality monitoring programme and have abandoned this site. This memorandum includes data from the two remaining water quality sites being maintained by NIWA as part of its 30-year old National Rivers Water Quality Monitoring Network. NIWA analyse for a much narrower range of parameters than does this Council.

The programme network was expanded by the Council for the 2015-2016 year in response to the obligation signalled by the government through the 2014 National Policy Statement for Fresh Water management, that all surface waters in every region must be incorporated into Freshwater Management Units and every FMU must have representative monitoring established. A mid-Waitara River site (Tarata) and lower Whenuakura River site were accordingly added to the suite of sites monitored within this programme.

Each sampling run by the Council measures up to 22 physical and chemical water quality parameters at thirteen sites that represent six selected ring plain catchments, two catchments with sub-catchments covering both the ring plain and eastern hill country, and one eastern hill-country catchment.

The data includes parameters for organic contamination (BOD), bacteriological quality (enterococci and faecal coliforms), appearance (suspended solids and clarity), and the nutrient species phosphorus (total and dissolved reactive) and nitrogen (ammonia, nitrate, and total nitrogen), as well as general measures of water quality (conductivity, pH and temperature). In the year under review, surveys were performed regularly in the second week of every month from July 2016 to June 2017, as is standard for this programme.

In the 2016-2017 year, variability in site water quality occurred in response to flow conditions and with season. Generally there was some spatial deterioration in most aspects of water quality in a downstream direction. This was illustrated by poorer water clarity (increased turbidity), increased bacteriological counts and nutrient levels, and wider water temperature and pH ranges at downstream sites. The eastern hill country sites typically have elevated suspended solids and turbidity.

2016-2017 results

Unlike 2015-2016 which was overall considerably drier than usual, the 2016-2017 year was wetter than has been the median over the duration of records across almost all sites. This consequently adversely affected both state and trends.

Flows: By contrast with flows during the 2015-2016 period, when median flows at times of sampling were universally lower than typical of those during the previous 20 year period, the 2016-2017 year was characterised by much higher median flows in almost all rivers and streams sampled by the programme, by between 3% and 60%.

Aesthetic and physical measures: the 2016-2017 median results for turbidity and clarity were either similar to or poorer than the medians for the previous long term period. The

Stony River was markedly worse than usual across all aesthetic measures, due to a natural erosion event in February 2017. This site has a record of such events.

Median temperatures were higher at all sites, although remaining in a narrower range (ie marked by neither low flow nor flood events).

Nutrients: In contrast to the 2015-2016 median results, when total nitrogen at each site was either all similar to (73%) or better than (27%) the long-term medians, and nitrate-nitrogen and total phosphorus showed no overall regional pattern of being either better or worse than usual, results in 2016-2017 were not as positive overall. A majority of sites' median nutrient levels remained similar in the 2016-2017 period to those over the longer period. A few improvements in median nutrient species (ammonia N at three sites and phosphorus species at one site) were recorded across individual sites. On the other hand, deterioration was frequently or occasionally found in median nitrate N (at seven of eleven sites, at five by more than 50%), ammonia N (at two sites), total nitrogen (at four sites), dissolved reactive phosphorus (at four sites) and total phosphorus (at one site). On an overall view, nitrate, total nitrogen and dissolved reactive phosphorus levels showed more increases, with no clear pattern for either ammonia or total phosphorus.

Bacteria: Overall, there was a deterioration in bacteriological water quality, with the number of worse than typical sites exceeding markedly the number of sites showing better results, particularly for faecal coliforms.

Other measures: The 2016-2017 median levels of dissolved oxygen saturation, pH, and biochemical oxygen demand (a measure of putrescible organic material) were all similar to long term medians, although median BODs reduced at 2 sites, one on the ring plain (Punehu Stream) and one in the eastern hill country (Mangaehu River).

Overall, during the 2016-2017 period, water quality parameters' medians differed by more than 20% from 21-year medians for 33% of comparisons (24% deterioration; 9% improvement), and by more than 50% from historical medians for 14% of comparisons (14% deterioration, 0% improvement). This was coincident with higher median flows (3 to 60%) sampled at ten of the eleven sites over the 2016-2017 period.

Sites: As in the 2016-2017 year, in the year under review the mid-reach site on the Stony River showed the most variability in water quality, mainly due to an ongoing erosion event. The Maketawa Stream (mid-reach), which is representative of developed farmland catchments, showed deterioration in seven parameters: clarity and turbidity, bacteria number and nutrient species. Another five sites had at least five parameters showing different from usual quality, which may be related to the greater proportion of higher flows sampled. Main differences were found for ammoniacal and nitrate nitrogen, dissolved reactive phosphorus and bacterial species. Least differences in comparative water quality were found at the Patea River (mid-reach) site, whereas the highest number of parameters that were better than usual were found at the Waingongoro River (lower reach) site.

Water quality and national criteria

The above discussion reviews whether the state of the quality at each site is changing on a year by year and a longer-term basis. This is a separate question from whether the water is suitable for use and whether it meets the Government's expectations. The Government's National Policy Statement for Freshwater Management 2014 includes compulsory attributes (parameters) with accompanying criteria for water quality. For each attribute there are four

bands or grades, with the bottom band ('D') being deemed to represent unacceptable water quality ('Below the National Bottom Line'). The Government has recently changed the criteria for 'swimmability' where there are now 4 separate criteria just for this consideration, with 5 gradings for each criterion, with the overall categorisation being based on the worst of the four criteria. There is no assigned 'bottom line' for the swimmability criteria, but a general assumption that at least a 'C' is required to meet public expectations.

Gradings for all parameters are generally to be made on the basis of the last three years' worth of data. Therefore data from 15 sites can be utilised for this evaluation.

Comparing the 2014-2017 results against the nutrient criteria set out in the compulsory National Objectives Framework, there are 60 results which can be categorised, across 4 parameters. It is found that 78% of all results lie in their respective 'A' band, and 20% in the 'B' band- a total of 98.3% of all results for water quality in Taranaki being either 'A' or 'B'. There is a single 'C' grade result; and no result in the 'D' grade- that is, there is no nutrient result in Taranaki that lies below a national 'bottom line'. Nine of the 15 sites have straight 'A' grades for nutrients.

Sites with 100% of 'A' grade parameters for nutrients include the Waitara River (both mid and lower sites), Stony River, upper Punehu Stream, upper Patea River, the Maketawa, Manganui, Whenuakura, and the Mangaehu River. The parameter that most often causes a site to receive a 'B' rather than 'A' is that of occasional peak ammonia concentrations (strictly, the 95th%ile value) failing to lie below the threshold. The only sites with more than 1 'B' grading for nutrients are the lower Punehu, both sites in the Waingongoro, and the mid Patea River.

In terms of swimmability, there are 75 possible gradings (4 parameters plus the overall assigned grade, for each site). Three sites (20%) and 25% of all results met at least the 'C' grading. Sites higher in catchments had better gradings than those lower down. Across all sites, the most common cause of failure was non-compliance with the 95th%ile limit- a criterion limiting the maximum value allowed for rare peak events.

It is important to note that most of the SEM sites in the programme are not considered contact recreational sites; the streams are too shallow, cold and/or small for recreational bathing activities. Nevertheless the Government requires that on a regional basis, swimmability is measured at these sites.

Long-term trends (22 years)
Section 7(f) of the Resource Management Act 1991 requires the Council to have particular regard to the '*maintenance and enhancement of the quality of the environment*'.

Long term (22-year) physicochemical trends have shown some significant deterioration in some aspects of water quality (particularly **phosphorus**) in many of the sites regardless of their position in a catchment. The lower Waingongoro River site is the notable exception, showing significant reductions in both forms of phosphorus. On the other hand, there has been a significant long term improvement in **total nitrogen** at four of the eleven sites monitored, with only the lower Punehu showing deterioration. Nitrate is showing deterioration at only 2 of the 11 sites monitored, and ammonia is likewise generally stable at other than 3 sites. Long term trends for **faecal coliforms and enterococci bacteria** showed no clear regional pattern, with deteriorations in the Mangaoraka and in one indicator species in each of the Punehu and Waiwhakaiho, and improvement in the upper Punehu Stream and Mangaehu. Significant deteriorations in black disc clarity were recorded at two sites, one of which reflected historical erosion events in the headwaters (Stony River). Traditional

indicators of pollution, organic matter (BOD), suspended solids, clarity (black disc), conductivity (dissolved matter) generally show no apparent trends at most sites over the 22 year period, other than for deterioration in clarity and suspended solids in the Stony River. Almost all sites are reducing in temperature, although not at a rate that is considered ecologically meaningful. This could be associated with the increasing implementation of the regional riparian planting programme.

Sites which show little change or which show overall improvement over the full 22 year record include the upper Patea River, upper/mid Punehu Stream, the mid Patea River, the lower Waingongoro River, and the Mangaehu River. The site showing the greatest number of deteriorating parameters is the Mangaoraka Stream, followed by the Stony River, Waiwhakaiho River, and the lower Punehu Stream. Overall, 82% of measures are either showing improvement or no clear trend. This measure indicates the degree to which the Council and regional community are giving effect to the obligation within the Resource Management Act and the *Regional Fresh Water Plan for Taranaki* to maintain and enhance the quality of the environment.

Because recent trends are more positive than long-term trends (see next section), there has been a progressive lift in the number of water quality parameters that over the long term have shown improvement eg for the full record to the end of the 2012 year, 75% of all parameters were showing either maintenance or improvement in quality; whereas for the full record to 2017, 82% of all parameters are showing either maintenance or improvement.

Recent trends

Over the last seven years, 84% of all parameters have either shown no trend ('maintenance') or improvement ('enhancement'). That is, there is an overall shift towards improving rather than the continuation of deteriorating trends in the region as time passes. However, the percentage of parameters showing maintenance or improvement in recent trends is lower than the percentages reported to the Council in the past few years, reflecting the preponderance of wetter than usual sampling conditions in the last few years, which in turn has meant reductions in water quality. Three of the last 4 and 4 of the last 6 years have been markedly wetter than typical in terms of flows during sampling runs. Over the same period, the annually updated record of the number of parameters showing either maintenance or improvement in the most recent 7 year period, has fallen from 99% to 84% of all measures annually reported. Nevertheless, the number of parameters showing a recent deteriorating trend is still much reduced, from 25% in earlier 7-year trend analysis, to 16% within the most recent seven years- a reduction of 50% in the number of measurements showing degradation.

Further, the rolling seven-year trends still remain more positive than the long-term trends, with fewer sites and measures showing significant deterioration, particularly in nutrient concentrations; and further, the percentage of measures showing either maintenance or improvement in the long term has continued to climb steadily as each new year passes (up 7% in the past 7 years) even though short-term changes are not currently as numerous as they have been in the past.

Total nitrogen and nitrate are showing no pattern on a regional scale over this more recent period of time, but the Stony River and Maketawa Stream are two individual sites where there is site-specific deterioration in these parameters. The upper Patea River site and again the Maketawa Stream are the two sites showing deterioration in phosphate measures in recent years. The Maketawa and Waiwhakaiho are the only sites showing deterioration in bacterial parameters. Seven sites of the eleven Council sites show either no or only a single deteriorating trend in any parameter over the last seven years. Of the two NIWA sites, the

lower Waitara River site is likewise showing next to no trends in recent years (one improvement, one deterioration), and the Manganui River site (upper catchment) some degree of deterioration in phosphate measures.

Over the last ten years, the seven-year (recent) trends in total nitrogen and nitrate have been predominantly positive (ie concentrations have been and are reducing). In each of the previous four years, the annual calculation of seven-year trends in these two nutrients have found no deteriorating trends at any site. However, as noted above, elevated river flows in the year under review correlated with poorer water quality, and on a regional scale this has meant that trends have not continued. Likewise, trends in recent concentrations of phosphate species were strongly positive (reducing) up to a few years ago, but co-incident with wetter conditions during sampling since then, these improvements have now stabilised on a regional perspective.

In terms of recent trends, the Maketawa Stream is performing the most poorly. Most mid to lower catchment sites are showing little or no deterioration in any parameter over recent years.

In further comparing the long-term and the seven-year trends, there is a noticeable change in trend patterns for the better for the Mangaoraka Stream, the Waingongoro River (both sites) and lower Punehu River. The Mangaoraka Stream is one that has been the focus of ongoing inspections and surveillance by Council officers because of previous poor quality. The Manganui River and the Maketawa Stream are the two sites showing an increase in the number of deteriorating measures, when long-term and recent trends are compared.

Examination of representativeness of regional sites in the physico-chemical fresh water quality monitoring network

The original selection of the existing surface freshwater physicochemical SEM sites in Taranaki in 1995 was undertaken with great care specifically to cover a wide range of situations, based upon knowledge gained from the extensive Taranaki Ring Plain Water Resources Survey of 1980-1982, various water quality surveys for major development projects, and resource consent compliance monitoring throughout the region over more than a decade. The sites in the existing network are considered representative of the water bodies in the region (this having been subsequently demonstrated by both internal review and external audit), while also being chosen as sites located in the parts of the region subject to the greatest pressures on water quality, thus enabling the Council to give effect to Section 35 (1) and (2)(a)-(2)(d) of the Resource Management Act 1991. An analysis of the proportional distribution of the site locations against the distribution of all reaches of the region's rivers when both were classed according to the national River Environment Classification, found that the sites' distribution reflects the regional distribution of land cover classes extremely closely (within a percentage point or so). Further, an audit of the Council's physico-chemical SEM network by NIWA in 2010 on behalf of the Auditor-General's Office found the network to be satisfactory for its purpose.

Nonetheless, more recently it was decided by Council officers to further examine the representative nature of the site network, to engender further confidence in the integrity and strength of the monitoring network and the value of its results for informing the regional community on the state of and trends in the quality of Taranaki's freshwater systems, for feedback on policy and intervention effectiveness, and as a basis for informing further policy development. The NPS-FM requires the Council to ensure it undertakes representative

sampling for every Freshwater Management Unit in the region, thus ensuring monitoring that reflects all freshwater quality.

Therefore, an evaluation of the representativeness of the existing SEM physicochemical sites as descriptors of baseline water quality in the Taranaki region has been carried out during the 2015-2016 monitoring year, and is reported herein. Ten 'equivalent' sites within the region were matched by landscape and hydrological characteristics with existing SEM sites, for comparative assessment of respective water quality. Four, seasonal surveys were conducted at or near base flows within one day of the regular monthly SEM sampling, at about the same time of day for 'paired sites'.

The equivalent sites were selected on the basis of factors such as commonality of mountain, ring-plain or hill country source, size of and position within the catchment, land cover and use, and types of discharge to the waters. Adjacent catchments were chosen where practicable. Some sites were within catchments already monitored. The additional catchments (Huatoki, Kapoaiaia, Kaupokonui, Kapuni and Waiongana) increased the proportion of the regional area covered to 48%. All sites except one had a hydrometric station within the catchment.

The surveys were carried out in July and October 2015 and January and April 2016. Stream flows generally were above annual median in July, at about median in October and April, and below median in January. Neither flood nor drought occurred at the times of sampling. All samples were analysed for physical parameters, dissolved oxygen, nutrients and faecal indicator bacteria.

Appendix V of the report presents the water quality data and analysis. The executive summary of that appendix is attached to this memo. In summary, for all physicochemical parameters, the range of values across the regular SEM sites encompassed the range found across the "comparative" sites. That is, under base flow conditions monitored seasonally over the full course of a year, the existing SEM sites were found to already represent the full range of baseline water quality in the Taranaki region. No site in either the existing network (11 catchments) nor the 5 additional catchments gave anomalous results.

Conclusion

A wetter than usual year in 2016-2017 meant some noticeable changes in overall water quality during the year when compared with the long-term record, with some nutrient forms elevated above usual concentrations. While this has impacted in the current results upon the number of measures showing improvement in recent years, it should be noted that this reflects a temporary rather than long-term shift.

Water quality in the region is 'fit for purpose' by almost all measures at most sites most of the time, and more so when the compulsory national criteria are considered. The exception is 'swimmability' when measured by NPS criteria.

There continues to be a clear pattern of trends in water quality parameters becoming more positive as time passes, notwithstanding that on a year by year basis there will be natural fluctuations.

An extended network of sites was monitoring during 2015-2016, and the assessment of results is presented in the report. This shows that the existing SEM sites meaningfully represent the full range of baseline water quality in the Taranaki region

These results, together with other results presented to the Council (eg in-stream ecological health monitoring and research findings) validate the investment by the Council and the regional community in the continuing policy and plan measures to improve the region's surface water quality.

Decision-making considerations

Part 6 (Planning, decision-making and accountability) of the *Local Government Act 2002* has been considered and documented in the preparation of this agenda item. The recommendations made in this item comply with the decision-making obligations of the *Act*.

Financial considerations—LTP/Annual Plan

This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Iwi considerations

This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Legal considerations

This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices/Attachments

Document 2125946: *Freshwater Physicochemical Programme State of the Environment Monitoring Annual Report 2016-2017, Technical Report 2017-64 (*Executive summary)

Document 2125945: *Technical Report 2017-64* Appendix V Evaluation of representativeness of SoE physicochemical sites (Executive summary)

Freshwater Physicochemical Programme State of the Environment Monitoring Annual Report 2016-2017, Technical Report 2017-64:
Executive summary and recommendations

Section 35 of the Resource Management Act requires local authorities to undertake monitoring of the region's environment, including land, air, and fresh and marine water quality. As set out in the Regional Policy Statement for Taranaki (2010), the quality of the region's fresh water resources is of primary importance for the region's communities, including iwi, economic sectors, and social and cultural sectors. To inform the community of the state of, pressures upon, and trends in water quality in the region, a number of monitoring programmes have been put in place. The freshwater physicochemical component of the State of Environment Monitoring (SEM) programme for Taranaki was initiated by the Taranaki Regional Council in the 1995-96 monitoring year and subsequently has been continued in each year. Data from this programme were used as the basis for the first five-year SEM report published in 2003, for trending purposes over the ten year period 1995 to 2005, and the thirteen year period 1995 to 2008 as presented in the third SEM report published in 2009, and the nineteen year period 1995-2014 as presented in the fourth SEM report (TRC, 2015a)

In the year under review, surveys continued to be performed regularly in the second week of every month from July 2016 to June 2017, under a narrower range of flow conditions than typical, ranging through some moderate freshes to low mid-summer flows. This year was characterised by much higher median flows sampled by the programme in almost all rivers and streams. Each sampling run measured up to 22 physical and chemical water quality parameters at thirteen sites representing eight selected ring plain catchments and three eastern hill-country catchments. Two of the sites were established the year before, to increase representation of the eastern hill-country, in anticipation of the government's requirement that the Council must establish Freshwater Management Units and have representative monitoring across the entire region.

The twelve months of water quality data are presented for each of the Council's thirteen sites, together with a statistical summary for both the year and accumulated data to date. Results are discussed on a site-by-site basis and, more briefly, on a comparative parameters' basis. Data from the two Taranaki sites included in the NIWA national network monitoring programme are also presented and discussed.

Variability in site water quality occurred in response to flow conditions and with season. Generally there was some spatial deterioration in most aspects of water quality in a downstream direction. This was illustrated by poorer water clarity (increased turbidity), increased bacteriological counts and nutrient levels, and wider water temperature and pH ranges at downstream sites. This was usually coincident with increases in substrate algal cover during summer-autumn low flow conditions, a feature of Taranaki ring plain streams (and surface waters elsewhere in New Zealand); a response to elevated nutrient runoff, and warmer more open conditions in lower reaches of developed and farmland catchments. Higher turbidity and suspended solids levels (and therefore poorer visual clarity) characterised the eastern hill country Mangaehu, Whenuakura and Waitara Rivers sites in these rivers' lower reaches.

Over the 2016-2017 monitoring year, flows at times of sampling were much higher than usual, with no flood or very low flows sampled. In general terms, for the eleven sites monitored for more than 10 years, water quality was comparatively poorer in clarity though

similar in suspended solids concentrations, and poorer in bacteria numbers and nutrient levels, to past quality. Narrower temperature ranges, mainly due to lower maximum temperatures, and higher median water temperatures, were measured in the 2016-2017 period compared with ranges and medians measured during the first 21 years of the SEM programme. The 2016-2017 median dissolved reactive and/or total phosphorus levels were higher at six sites and lower at two sites. Median nitrate and/or total nitrogen species' levels were higher at seven sites, while median ammonia nitrogen levels were lower at three sites and higher at three sites.

The report also provides an assessment of each site's statistical water quality in terms of appropriate guidelines and standards for various usages based upon a summary of the record for the complete 1995-2017 period.

For the third time, results are also compared with the compulsory national water quality criteria set out in the National Objectives Framework (NOF) that is part of the National Policy Statement for Freshwater Management 2014 (NPS-FW). The NOF assigns grades ('attribute states') for indicators ('attributes'), from A (best) to D (worst), with a National Bottom Line of acceptability being a C state. During the 2017-2018 year, the Ministry for the Environment amended the NOF grading system so that the 4 grades, with the bottom grade being unacceptable, were removed from the NOF in respect of *E coli*. Instead, there is now a matrix of categorisation, with 4 separate criteria to each be considered and the overall grading being the worst of the four. There are now five grades, and no bottom line, for *E coli*. Councils are to identify by the end of 2018 what their target is for water quality as defined by *E coli*. The Government has stated that as a whole, 80% of the country's waterways should be within the top 3 categories by 2030, and 90% by 2040. It should be noted that these percentages do not necessarily apply at the regional level. For the purpose of comparisons, this report uses the five-step categories, with rivers in either of the bottom two categories being deemed unacceptable for recreational purposes.

The Resource Management Act (RMA) requires that particular regard be given to the *'maintenance and enhancement of the quality of the environment'*. Therefore a key determinant for the Council is to identify where trends in water quality show no change ('*maintenance*') and/or improvement ('*enhancement*'), in either case aligning with the objective of the RMA, or alternatively show decline. With the availability of a suitable period (minimum of ten years) of robust data and access to appropriate statistical software, temporal trend analyses were performed for state of the environment reporting purposes and reported elsewhere during 2006. Regular updates of these temporal trends subsequently have been prepared at appropriate intervals and reported separately, and data for the period 1995 to 2017 are summarised and presented for all thirteen Council sites briefly in the current Annual Report. In addition, this report presents trend analysis for the two NIWA sites in Taranaki.

Also, for the third time, trends over the most recent period (the last seven years) have been incorporated into this report. Previously, they were calculated and presented separately; for the sake of convenience and completeness of reference they have now been included herein. These data help identify and evaluate the current state of flux in water quality, rather than those trends that are more historical in nature.

Long term (22-year) physicochemical trends have shown some significant deterioration in some aspects of water quality (particularly phosphorus) in many of the middle and lower catchments (e.g. the Mangaoraka Stream at Corbett Road, Punehu Stream at SH 45, and Waiwhakaiho River at SH3). On the other hand, there has been a significant long term

improvement in total nitrogen at three of the eleven sites monitored, with only one site that is showing deterioration in this measure. Long term trends for faecal coliforms and enterococci bacteria showed statistically significant changes over the 22-year period for one or other species at four sites, out of eleven, with improvement at one site (Punehu Stream at Wiremu Road) and deterioration at three sites (Waiwhakaiho River at SH3, Mangaoraka Stream at Corbett Road and Punehu Stream at SH45). Significant deteriorations in black disc clarity were recorded at two sites, one of which reflected historical erosion events in the headwaters.

The most improvement in long term water quality has been illustrated in the Waingongoro River at SH 45, with significantly improving trends in DRP and total phosphorus, and with reduction in nitrate and total nitrogen by slightly less than the rate defined as significant. This improvement has been coincident with land-irrigation of a major industrial (meatworks) discharge and the diversion of Eltham's WWTP discharge out of the river in recent years. Most long term deterioration in aspects of water quality have been found in the lower reaches of the Mangaoraka Stream, where five parameters have significantly deteriorated (both phosphorus species, both bacteriological species and black disc) and in the mid-reaches of the Waiwhakaiho River, where four parameters have deteriorated significantly (dissolved phosphorus, nitrate, ammonia and faecal coliforms), and no parameters show significant long term improvement. More recent data for these sites indicate the deterioration has reduced.

Analysis of recent trends indicates a better direction in water quality, although the latest seven-year trends do not show the same wide-spread improvements that had been evident in recent years. The latest rolling seven-year trend is more positive than the long-term trend, with fewer sites and measures showing significant deterioration, particularly in nutrient concentrations. Other measures (bacteria, organics, aesthetics) show no regional pattern of change in either direction.

This report on the results of the 2016-2017 monitoring period also includes recommendations for the 2017-2018 period and the results of internal and external laboratory quality control exercises, which, with relatively few exceptions, resulted in good inter and intra-laboratory precision.

Recommendations provide for the continuation of this programme.

Recommendations

1. THAT the existing freshwater physicochemical component of the SEM programme continue in a similar format for the 2017-2018 monitoring year.
2. THAT an additional (split) sample be collected on at least one occasion during the monitoring year, in conjunction with the intra-laboratory quality control programme, for analysis by an external, accredited laboratory.
3. THAT the appropriate trend analysis reported on the datasets for all Taranaki sites over the 1995-2017 period (provided in the current report), be updated for the 1995-2018 period at the conclusion of the 2017-2018 year.

Freshwater Physicochemical Programme State of the Environment Monitoring Annual Report 2016-2017, Technical Report 2017-64: Appendix V

Executive Summary

The Taranaki Regional Council maintains a network of surface freshwater physicochemical monitoring sites as a component of the State of Environment Monitoring (SEM) programme for Taranaki. In July 2015, the network was enlarged by the establishment of sites in the Whenuakura and Waitara catchments, to increase representation of the waterways within the eastern hill country. This brought the total number of sites monitored to thirteen in eight selected ring-plain catchments and three eastern hill-country catchments that together comprise 44% of the total area of the region.

These sites are considered representative of the water bodies in the region (shown by both internal review and external audit), while also being chosen as sites located in the parts of the region subject to the greatest pressures on water quality, thus enabling the Council to give effect to Section 35 (1) and (2)(a)-(2)(d) of the Resource Management Act 1991. An analysis of the proportional distribution of the sites against the distribution of all reaches of the region's rivers when both were classed according to the national River Environment Classification, found that the sites' distribution reflects the regional distribution of land cover classes extremely closely. Further, an audit of the Council's physico-chemical SEM network by NIWA in 2010 on behalf of the Auditor-General's Office found the network to be satisfactory for its purpose. However, more recently it was decided by Council officers to further examine the representative nature of the site network, to engender further confidence in the integrity and strength of the monitoring network and the value of its results for informing the regional community on the state of and trends in the quality of Taranaki's freshwater systems, for feedback on policy and intervention effectiveness, and as a basis for informing further policy development.

Therefore, an evaluation of the representativeness of the existing SEM physicochemical sites as descriptors of baseline water quality in the Taranaki region has been carried out during the 2015-2016 monitoring year. Ten "equivalent" sites within the region were selected to match by landscape and hydrological characteristics with existing SEM sites, for comparative assessment of respective water quality. Four, seasonal surveys were conducted at or near base flows within one day of the regular monthly SEM sampling, at about the same time of day for "paired sites".

The equivalent sites were selected on the basis of factors such as commonality of mountain, ring-plain or hill country source, size of and position within the catchment, land cover and use, and types of discharge to the waters. Adjacent catchments were chosen where practicable. Some sites were within catchments already monitored. The additional catchments (Huatoki, Kapoaiaia, Kaupokonui, Kapuni and Waiongana) increased the proportion of the regional area covered to 48%. All sites except one had a hydrometric station within the catchment.

The surveys were carried out in July and October 2015 and January and April 2016. Stream flows generally were above annual median in July, at about median in October and April, and below median in January. Neither flood nor drought occurred at the times of sampling. All samples were analysed for physical parameters, dissolved oxygen, nutrients and faecal indicator bacteria.

This report presents the water quality data in tables. Box plots are included which allow visual assessment of variation within each site, between matched pairs of sites, and across all sites, for each parameter measured.

In summary, for all physicochemical parameters, the range of values across the regular SEM sites encompassed the range found across the "comparative" sites. That is, under base flow conditions monitored seasonally over the full course of a year, the existing SEM sites were found to already represent the full range of baseline water quality in the Taranaki region.

Recommendations

It is recommended that the Council:

1. notes that the existing freshwater physicochemical SEM sites have been further demonstrated to be representative as descriptors of baseline water quality in the Taranaki region and as a network to satisfy the Freshwater Management Unit monitoring requirements of the National Policy Statement on Freshwater Management 2014
2. notes that additional monitoring and analysis in the form of ionic balances be carried out periodically to enable assessment of more subtle changes in water quality

Agenda Memorandum

Date 9 October 2018

Memorandum to
Chairperson and Members
Policy and Planning Committee

Subject: Report on Advocacy and Response activities for the 2017/2018 year

Approved by: AD McLay, Director – Resource Management

BG Chamberlain, Chief Executive

Document: 2125081

Purpose

The purpose of this memorandum is to report to the Committee on advocacy and response activities for the 2017/2018 year.

Executive summary

The 2017/2018 Annual Plan has a level of service in relation to advocacy and response activities of approximately 20 submissions made on policy initiatives proposed by other agencies.

In the 2017/2018 year, 24 submissions were made (31 in 2016/2017).

Submissions were made on the Ministry for the Environment's regional swimmability targets and the New Zealand Productivity Commission's proposals for moving to a low-emissions economy. Input was made into the LGNZ submission to the Havelock North Drinking Water Inquiry.

Throughout the year the Council responded to the Office of the Auditor-General's audit of freshwater quality management.

It was also another busy year for land transport with submissions made to the New Plymouth District Council and the Taranaki Regional Council on the proposed Mt Messenger Bypass project and to the Waikato Regional Council on the Awakino bypass project. Formal submissions were also made on the mid-term review of the Regional Land Transport Plan for Taranaki and the draft update to the Waikato Regional Land Transport Plan.

Senior Council staff were also involved in various working parties or other fora locally or in Wellington and elsewhere to advise on policy development.

The net effect of the Council's wide-ranging advocacy and response activities has been in the majority of cases to make policy proposals more relevant, pragmatic and cost-effective for the region.

Recommendations

That the Taranaki Regional Council:

1. receives the memorandum *Report on Advocacy and Response activates for the 2017/2018 year*
2. notes that twenty-four (24) submissions were made during the year on the policy initiatives of other agencies
3. notes that senior staff were also involved in various working parties or other fora on central and local government policy development and review projects.

Background

The 2017/2018 Annual Plan has the following level of service for advocacy and response activities for the 2017/2018 year:

> **Level of service**
>
> *Effective advocacy on behalf of the Taranaki community on matters that affect the statutory responsibilities of the Council or that relate to matters of regional significance, which are of interest or concern to the people of Taranaki.*
>
> **Target**
>
> *Approximately 20 submissions made per year, with evidence of successful advocacy in most cases.*

Under 'What we plan to do' in 2017/2018 the Annual Plan states:

> ***Advocacy and response***
>
> *Assess the implications of policy initiatives proposed by other agencies including discussion documents, proposed policies, strategies, plans and draft legislation, and respond within required timeframes on approximately 20 occasions per year.'*

Effective advocacy on behalf of the Taranaki community on matters that affect the statutory responsibilities of the Council or that relate to matter of regional significance, which are of interest or concern to the people of Taranaki, is an important area of work for the Council.

However, the amount of effort that is put into advocacy and response work is determined to a large extent by those proposing policy changes, or draft legislation. As a result, in any one year, the number of submissions made may be below the level of service indicated in the Long-Term Plan or Annual Plan, or may be above that level.

Where the policy proposals are related directly to the Council's core statutory obligations or we have knowledge or experience that will be of benefit to those proposing the change, priority is accorded to these.

Submissions made in 2017/2018

The Council made 24 submissions to policy proposals or initiatives by various agencies in 2017/2018. This compares with 31 submissions made in the previous year (2016/2017) and 19 in 2015/2016.

The number of submissions made over the last 5 years is shown in Figure 1 below.

The full list of submissions made in 2017/2018 and the outcome of those submissions (where known) are shown in Table 1. It shows a relatively high rate of success with the net effect that policy proposals are more cost-effective for the region.

Submissions were made with input from staff across the Council. All submissions were made within the required timeframes.

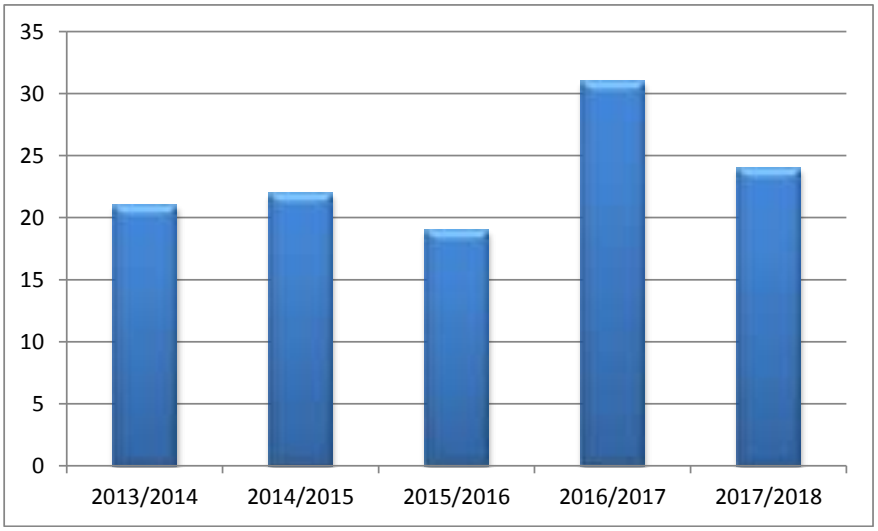


Figure 1 Number of submissions made by year

Table 1 Submissions made in 2017/2018

Submission made to	Policy initiative or proposal	Result
New Plymouth District Council	Waste management and minimisation plan	Submission was considered
New Zealand Transport Agency	Feedback on Long Term strategic View	Submission was accepted
Local Government New Zealand	Input into LGNZ submission on Stage Two of the Havelock North Drinking Water Inquiry	Submission was considered
Local Government New Zealand	Input into LGNZ submission on Improving the financial security regime for offshore oil and gas installations	Submission was considered
Stratford District Council	Draft Stratford Cycling Strategy	Submission was considered and changes made
Office of the Auditor-General	Self-assessment for OAG audit of freshwater quality management	Submission forwarded. Matter is under consideration

Submission made to	Policy initiative or proposal	Result
Ministry for the Environment	Draft best practice guidelines on RMA compliance, monitoring and enforcement	Submission was considered
Waikato Regional Council	Resource consent applications for Awakino Tunnel bypass project	Submission forwarded. Matter is under consideration
Hon Julie Ann Genter	Improving road safety in Taranaki	Submission was considered
Ministry for the Environment	Regional swimmability targets	Submission forwarded. Matter is under consideration
Taranaki Regional Council	Proposed Civil Defence Emergency Management Group Plan	Submission was considered and changes made
New Plymouth District Council and Taranaki Regional Council	Proposed Mt Messenger bypass notice of requirement and resource consents applications	Submission forwarded. Matter is under consideration
Environment Canterbury	Survey response to Regional Sector Group call for report to Minister on regional council compliance, monitoring and enforcement under the RMA	Submission was considered
Ministry of Business, Innovation and Employment	Consultation on proposed amendments to the Crown Mineral Act 1991	Submission was considered
Waikato Regional Council	Letter to Chair of RTC, Waikato Regional Council, on stock truck effluent disposal sites in Waikato	Letter received and matter is under consideration
New Zealand Transport Agency	Letter to NZTA on stock truck effluent disposal sites in North Taranaki	Letter received and matter is under consideration
Waikato Regional Council	Draft 2018 update to the 2015 Waikato Regional Land Transport Plan	Submission was considered and changes made
Taranaki Regional Council	Mid-term review of the Regional Land Transport Plan 2015-2021	Submission was considered and changes made
Taranaki Regional Council	Proposed Coastal Plan for Taranaki	Submission was considered and changes made
Ministry for the Environment	MfE Regulatory Stewardship System Assessment annual review	Submission was considered
Ministry of Transport	Feedback on Government Policy Statement on Land Transport 2018/19	Submission was considered
New Zealand Transport Agency	Draft Investment Assessment Framework for the 2018-21 National Land Transport Programme	Submission was considered
Office of the Auditor-General	Further commentary and evidence for OAG regarding preliminary findings for Taranaki Regional Council	Submission forwarded. Matter is under consideration
New Zealand Productivity Commission	Draft report on low-emissions economy	Submission was considered

During the 2017/2018 year work was undertaken in response to the Ministry for the Environment's regional swimmability targets. This was a continuation of the then Government's proposals for freshwater reform that 90% of New Zealand's rivers be swimmable by 2040. The Council's response was that the Ministry's proposals for Taranaki were overly optimistic with the modelling used giving simplistic results for *E.coli* that could not be supported by close scientific analysis. The Council's estimates were significantly lower with the Council concluding that reaching the pre-set target would not be realistically attainable in Taranaki.

At about the same time, the Office of the Auditor-General commenced an audit of regional councils' work in freshwater quality management. The Taranaki Regional Council was one of four councils selected in 2011 for audit and was again chosen to determine changes in approach and progress made since the 2011 audit. A final high level report, drawing conclusions for water quality management across New Zealand has yet to be released.

The Council commented on the Ministry for the Environment's draft best practice guidelines on RMA compliance, monitoring and enforcement and responded to the Regional Sector Group's call for a report to the Minister on regional councils' efforts in this area.

The 2017/2018 year saw further progress made on important land transport policy and projects in Taranaki. The Mt Messenger and Awakino Tunnel bypass projects had progressed to the formal consenting stages and the Council took the opportunity to make submissions in support. The Commissioner's decisions on these projects has yet to be released.

Also during the year the Council submitted on the mid-term review of its *Regional Land Transport Plan* and successfully completed the review by submitting it to the New Zealand Transport Agency by the due date. The Council also submitted on the Waikato Regional Council's update of its *Regional Land Transport Plan* emphasising the strategic importance of State Highway 3 north. The Council advocated to the Waikato Regional Council and the NZTA on stock truck effluent disposal sites and the need for action.

The change of Government in October 2017 brought a number of rapid changes to land transport policy, which the Council responded to. These included changes to improving road safety in Taranaki, proposed changes to the *Government Policy Statement on Land Transport* and the Draft *Investment Assessment Framework* used by the NZTA to assess projects under the *National Land Transport Programme*.

The Council worked closely with Local Government New Zealand on a number of inquiries or policy proposals. These included input into Stage Two of the Havelock North Drinking Water Inquiry and an LGNZ submission on improving the financial security of regime for offshore oil and gas installations.

At a local level, submissions were made to the New Plymouth District Council on their waste management and minimisation plan and to the Stratford District Council on their draft cycling strategy. A submission was also made to the Taranaki Regional Council on the review of its proposed Coastal Plan for Taranaki.

By year-end the Council had submitted to the New Zealand Productivity Commission on their low-emissions economy draft report which had among other things, foreshadowed the proposed establishment of the Climate Commission and the enactment of the Zero Carbon Bill proposed by the incoming Government.

It is sometimes difficult to determine, given the processes adopted, whether the submissions have made a difference to the policy or other matters under consideration. In some cases there is no formal feedback that the submissions were successful (or not) while in others no or limited feedback is provided. Senior council staff receive anecdotal feedback on submissions that is very positive, and that changes in policy have been made as a result or other actions taken in recognition of the matters raised.

The Council's reputation and experience as being a successful regulator and policy developer is well recognised and its views valued.

On occasion, the Council has also had direct input into submissions made by regional council convened Special Interest Groups on specific topics or Local Government New Zealand submissions made on behalf of the local government sector as a whole.

Experienced senior Council staff were also involved in various working parties or other fora locally or in Wellington and elsewhere to advise on policy development. These included policy development work or advice in areas as diverse as economic development strategies, natural hazards, the oil and gas industry, biosecurity and finance.

In addition, Council staff respond to many other requests for advice or comment on policy matters.

The net effect of the Council's wide-ranging advocacy and response activities has been in the majority of cases to make policy proposals more relevant, pragmatic and cost-effective for the region. The work has contributed to the Council's community outcomes of a sustainable and prosperous Taranaki.

Decision-making considerations

Part 6 (Planning, decision-making and accountability) of the *Local Government Act 2002* has been considered and documented in the preparation of this agenda item. The recommendations made in this item comply with the decision-making obligations of the *Act*.

Financial considerations—LTP/Annual Plan

This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Iwi considerations

This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Legal considerations

This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Agenda Memorandum

Date 9 October 2018

Memorandum to
Chairperson and Members
Policy and Planning Committee

Subject: **Submission on proposed policy for regulating decommissioning under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012**

Approved by: A D McLay, Director – Resource Management

B G Chamberlain, Chief Executive

Document: 2126442

Purpose

The purpose of this memorandum is to seek the Council's endorsement of a submission made on proposed policy for regulating decommissioning of offshore oil and gas facilities in the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012.

A draft of the submission was circulated to Members for comment prior to the closing date of 21 September 2018. A copy of the final submission is attached to this memorandum for Members' information.

A copy of the Discussion Document can be found at http://www.mfe.govt.nz/publications/marine/proposed-policy-regulating-decommissioning-under-eez-continental-shelf-act-2012

Executive summary

The Government is proposing regulations under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act) to strengthen the regulatory framework for the decommissioning of offshore oil and gas structures and pipelines in the Exclusive economic Zone (EEZ).

Decommissioning includes activities that occur at the end of an installation or field's life, such as the removal or abandonment of platform installations and other structures, and the removal of pipelines or cables.

The proposed regulations provide the basis for early and ongoing dialogue between the relevant marine management agencies, the public, iwi and the operator to establish the best overall approach to decommissioning and this is supported by the Council. The submission notes that the Council has worked closely with Iwi o Taranaki on this important matter.

The submission generally supports proposals for decommissioning plans but raises a number of issues for further consideration including the need to address residual liability issues for structures left within the EEZ, cross boundary issues between how pipelines are treated in the EEZ and the coastal marine area and the need to consider health and safety issues as part of planning for decommissioning.

Recommendations

That the Taranaki Regional Council:

1. receives the memorandum *Submission on proposed policy for regulating decommissioning under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012*; and
2. endorses the submission.

Background

The Government is proposing regulations under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act) to strengthen the regulatory framework for the decommissioning of offshore oil and gas structures and pipelines in the Exclusive Economic Zone (EEZ).

Decommissioning includes activities that occur at the end of an installation or field's life, such as the removal or abandonment of platform installations and other structures, and the removal of pipelines or cables.

Decommissioning is a complex process and it is costly. More sustainable outcomes for the EEZ will be achieved if companies plan early for decommissioning activities as part of the life cycle of the petroleum project and well before the start of actual decommissioning activities.

The Council has for some time, sought better legislative provisions with respect to decommissioning of oil and gas facilities and supported the amendments to the EEZ Act, introduced by the Resource Legislation Amendment Act 2017, to require decommissioning plans to be prepared. The decommissioning plan provides the tool to present a holistic view of the entire decommissioning process and facilitate early public consultation. Later in the process marine consent applications would still need to be made to gain approval for decommissioning activities before they are carried out.

The Discussion Document proposes a process that involves early and ongoing engagement between marine management agencies, iwi and the public and the operator to establish the best overall approach to decommissioning. Essentially, the Discussion Document seeks feedback to develop regulations on the following matters:

- the contents of a decommissioning plan;
- the process for the Environmental Protection Authority (EPA) to deal with a decommissioning plan; and
- the criteria for accepting a plan.

The proposed regulations do not set out when an operator must submit a decommissioning plan to the EPA. It would be up to the operator to decide when a plan should be submitted based on when it expects to cease production and enter the decommissioning phase.

Taranaki is the only region in New Zealand with offshore oil and gas production facilities that occur in the EEZ and coastal marine area. Hence they are unique to the region but important for New Zealand should oil and gas development be undertaken in the future under a different government.

The submission

The attached submission supports statements in the Discussion Document that the proposed regulations aim to ensure that decommissioning is done in line with the purpose of the EEZ Act, reflects international best practice, involves appropriate public consultation and is carried out in a cost-effective manner.

The proposed regulations provide the basis for early and ongoing dialogue between the relevant marine management agencies, the public, iwi and the operator to establish the best overall approach to decommissioning and this is also supported by the Council. The submission notes that the Council has worked closely with Iwi o Taranaki on this important matter.

The submission supports the information required for a decommissioning plan. The Council recommends that copies of decommissioning plans and any monitoring reports be forwarded on to the relevant adjacent regional council. The Council notes, however, that health and safety issues associated with the decommissioning of facilities are likely to be a major concern for the public and these issues do not appear to be specifically addressed in Discussion Document. The submission calls for some means of addressing these issues in decommissioning plans.

The submission notes that there is a need to address residual liability issues for any structure abandoned in the EEZ. Currently, the Government has accepted residual liability for all such structures (e.g. plugged and abandoned wells) in the coastal marine area and the legislation or regulations need to clarify who has ongoing responsibility for structures in the EEZ once they have been abandoned or decommissioned.

The Council fully supports proposals for early and ongoing consultation with all stakeholders as part of the process of preparing decommissioning plans. However, the submission calls for the regulations to state clearly, who is to be consulted during pre-submission engagement, public consultation and in the final assessment stages of the process. This should include engagement with iwi, relevant agencies, and existing interests including public interest groups.

The Council raises the issue of who within the EPA will make the determination as to whether to accept a plan or not and whether they will have the necessary knowledge and skills.

A number of other matters are raised for consideration.

Some minor amendments were made to the draft submission after it was circulated to Members for feedback and before it was finally submitted. These were on matters of detail and expanded on points already made in the submission.

Decision-making considerations

Part 6 (Planning, decision-making and accountability) of the *Local Government Act 2002* has been considered and documented in the preparation of this agenda item. The recommendations made in this item comply with the decision-making obligations of the *Act*.

Financial considerations—LTP/Annual Plan

This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Iwi considerations

This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

A senior Council officer attended a session hosted at the Council, with government officials and iwi, on the decommissioning policy and agreed to share submissions. The Council shared its submission with Te Kotahitanga o Te Atiawa Trust and Ngā Hapū o Te Atiawa Iwi.

Legal considerations

This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Attachments

Document 2121924: EEZ Decommissioning Regulations

21 September 2018
Document: 2121924

EEZ Decommissioning Regulations
Ministry for the Environment
PO Box 10362
Wellington 6143

EEZ Decommissioning Regulations

Introduction

The Taranaki Regional Council (the Council) thanks the Ministry for the Environment for the opportunity to make a submission on proposed policy for regulating decommissioning under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (the EEZ Act).

The Council makes this submission in recognition of the purpose of local government set out in the Local Government Act 2002, and the role, status, powers and principles under that Act relating to local authorities. In particular, the Council's comments are made in recognition of its:

- functions and responsibilities under the Local Government Act 2002 and the Resource Management Act 1991 (RMA); and
- it's regional advocacy responsibilities whereby the Council represents the Taranaki region on matters of regional significance or concern.

The Council has also been guided by its Mission Statement *'To work for a thriving and prosperous Taranaki'* across all of its various functions, roles and responsibilities, in making this submission.

Purpose of the regulations

The Council strongly supports the statement in the Discussion Document (page 7) that better outcomes for the sustainable management of the EEZ would occur if companies plan for decommissioning of offshore oil and gas facilities as part of the lifecycle of the petroleum project, and that planning start well before the commencement of decommissioning activities.

Taranaki is the only region in New Zealand with offshore oil and gas production facilities that occur in the EEZ and coastal marine area. Hence they are unique to the region but important for New Zealand should oil and gas development be undertaken in the future under a different government.

The Council also strongly supports statements in the Discussion Document (page 7) that the proposed regulations aim to ensure that decommissioning is done in line with the purpose of the EEZ Act, reflects international best practice, involves appropriate public consultation and is carried out in a cost-effective manner.

The proposed regulations provide the basis for an ongoing dialogue between the relevant marine management agencies, the public, iwi and the operator to establish the best overall approach to decommissioning and this is supported by the Council. The Council has worked closely with Iwi o Taranaki on this important matter.

The Council has some comments on matters of detail in regard to the proposed regulations.

Decommissioning plan

The Council has for some time, sought better legislative provisions with respect to decommissioning of oil and gas facilities and supported the amendments to the EEZ Act, introduced by the Resource Legislation Amendment Act 2017, to require decommissioning plans to be prepared.

However, neither the EEZ Act itself nor the proposed regulations set out when an operator must submit a decommissioning plan to the Environmental Protection Authority (EPA). Rather it is up to the operator to determine when the appropriate time is to submit a decommissioning plan based on when it expects to cease production and enter the decommissioning phase.

The EEZ Act requires an application for a marine consent for a structure, submarine pipeline or submarine cable, to include a description in general terms of how and when it is proposed that the facilities will be dealt with at the end of its life (section 38 (2)(d)). This requires operators to factor-in decommissioning considerations into their overall project planning and marine consent application process.

The Council fully supports the preparation of guidance material as to when to prepare and submit a decommissioning plan.

In general, the Council supports the information required for a decommissioning plan (page 16 of the Discussion Document). The Council also supports proposals for post-decommissioning monitoring and reporting. The Council recommends that copies of decommissioning plans and any monitoring reports be forwarded on to the relevant adjacent regional council. The Council notes, however, that health and safety issues associated with the decommissioning of facilities are likely to be a major concern for the public and these issues do not appear to be specifically addressed in the section of the Discussion Document dealing with information requirements. Further comment on health and safety issues are included later in this submission.

The Council considers that a standard template for decommissioning plans should be included in the regulations. This would ensure that matters that should be included are included and would avoid costs and delays through disagreements over what should or should not be included. The template should be broad enough to cover all matters of potential interest or concern to the EPA, iwi and the public.

Comparative assessments are required as part of the decommissioning plan for any installation that an operator seeks to abandon, and for all pipelines, irrespective of the preferred decommissioning approach. The Council supports this proposal. However, there is a need to address residual liability issues for any structure abandoned in the EEZ. Currently, the Government has accepted residual liability for all such structures (e.g. plugged and abandoned wells) in the coastal marine area (CMA) and the legislation or regulations need to clarify who has ongoing responsibility for structures in the EEZ once they have been abandoned or decommissioned.

Process for preparing a decommissioning plan

The Council supports proposals for early pre-submission engagement with stakeholders and for public notification of the plan. The Council also supports consultation with other agencies before finally accepting the plan. However, the regulations need to state clearly who is to be consulted during pre-submission engagement, public consultation and in the final assessment stages of the process. This should include engagement with iwi, relevant agencies, and existing interests including public interest groups. Best practice guidelines for engagement with stakeholders would be beneficial.

The Government's stated intention with the process of preparing decommissioning plans is to incentivise engagement between operators and marine management agencies, iwi and the public to agree on the best overall approach to decommissioning. Early and ongoing engagement is essential if this is to be achieved.

Criteria for accepting a plan

The Council supports the proposed criteria for accepting a plan (page 27, Discussion Document). In particular the Council supports the specific criterion that the plan adequately describe how matters raised during engagement and public consultation have been considered.

The Council acknowledges that decommissioning plans will be developed well in advance of operators applying for marine consents for decommissioning activities and that detailed conditions relating to environmental effects will be addressed at that stage.

Other matters

Cost recovery

The Council fully endorses the proposal in the Discussion Document (page 23) that the Government amend the Exclusive Economic Zone and Continental Shelf (Fees and Charges) Regulations 2013 to specifically provide for recovery of the costs of dealing with and assessing decommissioning plans.

This matter should be addressed with some urgency. It will ensure that the EPA is able to effectively carry out its functions under the EEZ Act.

Cross boundary issues

There is no indication in the Discussion Document as to how pipelines will be treated under the EEZ Act and the RMA. There are two pipelines (associated with the Maui and Kupe

fields) that enter Taranaki's coastal marine area and therefore come within the jurisdiction of the Council under the RMA. Consistency of treatment is crucial.

For example the Maui pipeline has over the years had rock armouring placements, to address pipeline spanning issues. This means in places the pipe is now covered in rocks that have essentially become an artificial reef and habitat for marine biota. To remove the rocks and steel pipeline would potentially cause greater environmental effect than would arise from leaving them in place. However, a party needs to take responsibility for such coastal structures should there be any future issues. While the likelihood of issues is very low, with appropriate decommissioning, a responsible party needs to be identified to provide clarity. The Crown who have benefitted from the royalties from oil and gas production over the years should be the responsible party. This important issue also applies to wells that have been plugged and abandoned.

Crown Minerals Act 1991

Decommissioning should be a consideration when considering permits granted under the Crown Minerals Act 1991.

This will ensure that operators consider decommissioning issues at the very start of developing their plans and proposals rather than part way through or towards the end of their operations.

Health and Safety legislation

Health and safety issues concerning decommissioning are not addressed under the EEZ Act and regulations but are covered by the Health and Safety in Employment (Petroleum Exploration and Extraction) Regulations 2013.

Health and safety matters are important to the industry and to WorksafeNZ so this is a matter that should be incorporated into option selection under the EEZ Act decommissioning regulations. There are likely to be significant health and safety issues with decommissioning and these are likely to interplay with what has to be safely removed and at what cost.

Some means of incorporating these issues into option selection for decommissioning needs to be explored.

Conclusion

Taranaki is the only region in New Zealand with offshore oil and gas production facilities that occur in the EEZ and coastal marine area. Hence the decommissioning policy and regulations that will arise are of considerable interest and importance to the Taranaki community. The key policy issues are clarifying cross boundary and residual liability issues and ensuring iwi are involved in the decommissioning process.

The Council again thanks the Ministry for the Environment for the opportunity to comment on the proposed policy for regulating decommissioning under the EEZ Act.

Yours faithfully
BG Chamberlain
Chief Executive

per: A D McLay
Director - Resource Management

Whakataka te hau

Karakia to open and close meetings

Whakataka te hau ki te uru	Cease the winds from the west
Whakataka te hau ki tonga	Cease the winds from the south
Kia mākinakina ki uta	Let the breeze blow over the land
Kia mātaratara ki tai	Let the breeze blow over the ocean
Kia hī ake ana te atakura	Let the red-tipped dawn come with a sharpened air
He tio, he huka, he hauhu	A touch of frost, a promise of glorious day
Tūturu o whiti whakamaua kia tina.	Let there be certainty
Tina!	Secure it!
Hui ē! Tāiki ē!	Draw together! Affirm!

Nau mai e ngā hua

Karakia for kai

Nau mai e ngā hua	Welcome the gifts of food
o te wao	from the sacred forests
o te ngakina	from the cultivated gardens
o te wai tai	from the sea
o te wai Māori	from the fresh waters
Nā Tāne	The food of Tāne
Nā Rongo	of Rongo
Nā Tangaroa	of Tangaroa
Nā Maru	of Maru
Ko Ranginui e tū iho nei	I acknowledge Ranginui above and
Ko Papatūānuku e takoto ake nei	Papatūānuku below
Tūturu o whti whakamaua kia tina	Let there be certainty Secure it!
Tina! Hui e! Taiki e!	Draw together! Affirm!

Agenda reports

Policy and Planning Committee, October 2018

Item 3

Tracked-change version of Proposed Coastal Plan for Taranaki (PDF, 2.3 MB)

Tracked-change version of Proposed Coastal Plan Schedules (PDF, 3.5 MB)

Officers report for prehearing consultation on Proposed Coastal Plan (PDF, 7 MB)