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Western Bay of Plenty District Council feedback on the Bay of Plenty Regional Council – Changes to Freshwater Management in the Bay of Plenty

Western Bay of Plenty District Council (WBOPDC) thanks the Bay of Plenty Regional Council for the opportunity to provide feedback on the proposed changes to freshwater management in the Bay of Plenty. We understand that this feedback will be used to finalise the options and information for proposed changes to the Regional Policy Statement (RPS) and the Regional Plan (RP).

We note the high level of legislative uncertainty that surrounds the development of changes to the Regional Policy Statement and the Regional Plan. We also want to highlight the lack of certainty regarding the levels of available groundwater supply. This means that we reserve the right to change our stance on the matters noted below and more generally regarding the future management of freshwater.

WBOPDC has an interest in the Tauranga Moana, Kaituna, Waihi Estuary and Waitahanui Freshwater Management Units (FMUs).

The following points set out our views in terms of the development for the Regional Council's framework for freshwater management:

1. Clear and consistent language

Clear language is required to ensure that there is no room for uncertainty or ambiguity when assessing what is required for a water take, or for complying with the various water quality and quantity policy options. Consistent language should be used for all FMUs e.g., we note that there is currently a mixture of specific and non-specific outcome statements and slightly different wording between the policy options.

2. Protection of municipal supply

Although there is a high level of uncertainty regarding the future of the Affordable Water Reform programme, we support the protection of municipal supply in accordance with the Te Mana o te Wai hierarchy.

3. Setting aside adequate funding for research, data collection and analysis

The statutory framework needs to be supported with adequate funding to ensure successful implementation. This includes funding for on-going research, data collection and analysis to indicate that the adopted policy options are meeting the intended outcomes and targets.

4. Ensuring that the costs of regulation and enforcement are shared between both rural and urban ratepayers.

It is important that the costs are fairly allocated between all users of water and all those who could influence the quality of water and quantity of water available. We note that a discussion of costs and benefits has not been included as part of this engagement process and that this discussion can influence the policy choices.

5. Economic development in the Western Bay of Plenty

The economy in the Western Bay of Plenty is significantly horticulture based and relies on water and the certainty of water supply. Whilst acknowledging the hierarchy set out in Te Mana o te Wai, the ability to secure water supply for horticultural purposes is important to us.

Specific comments are as follows:

- There was a preference for the Option A vision statements.
- Timeframes are challenging to commit to at this stage e.g., 2040 vs 2045. It is also unclear whether these are realistic depending on when the changes are made to the Regional Policy Statement and Regional Plan (or the Natural and Built Environment Plan).

In addition, we think that it would be valuable to have a phased transition approach where incremental gains are recognised rather than requiring all changes to be completed by a fixed point in time. This also recognises that changes in practice take time to implement and for the intended outcomes to be achieved. This could be achieved through strong alignment of the outcomes, targets, and goals.

- Regarding the non-compulsory values, it was unclear how these differed to some of the compulsory values and whether this distinction was necessary e.g., Mahinga kai (which includes all food sourced from the river) vs Fishing (to provide solely for trout). It is also unclear where these values sit within the context of the Te Mana o te Wai hierarchy.
- The value of the outcomes and targets can easily be undermined by poor monitoring and compliance. This is clearly illustrated by the current state of the waterbody at the end of Te Puna Station Road. We note that this issue has been raised with the Regional Council by the Western Bay of Plenty Council and highlights the importance of monitoring and compliance. We support a discussion on the level of funding for monitoring and enforcement required to achieve the outcomes.
- We recognise the challenges around existing and potential allocation of water. We support alternatives such as users taking water at different times, water storage from heavy rainfall events or during times of high flows, and phased transition periods to provide for a reduction in water use and implementation of water conservation measures. These alternatives should be supported by a simple regulatory environment e.g., permitted, or controlled activity status with limited information requirements.
- We support water allocation limits for catchments that are complex, species and area specific. This approach recognises the characteristics and limitations of each catchment.
- We support reviewing the habitat retention levels of fish in over allocated catchments, but this should not be taken as the primary driver to necessarily increase the amount of water available for allocation. Rather we would expect that the review would determine what was the most appropriate level of habitat retention for the existing fish and plant species.

This could include a study on the number of fish taken from a particular stream or river and whether specific ecological harm events have been observed or recorded due to low flow events.

- We note that there was confusion between the term availability and allocation. This was in respect of the primary and secondary allocations from the water that is (or isn't) available but also in terms of the consent process and whether primary allocation means first come first served or if there is a secondary allocation available.
- We support a precautionary approach when setting groundwater allocation limits but note the importance of existing municipal supplies. We also support further research and investigation into groundwater availability and the complexity of the relationship between groundwater and surface water.
- We would like clarity on the ability to treat water for drinking within the Te Mana o Te Wai hierarchy framework where the health of freshwater ecosystems is prioritised above its use to supply drinking water.



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