

Report No.	16-67
Decision Required	

NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT - CHANGES TO THE ONE PLAN

1. PURPOSE

1.1. This report sets out changes to the One Plan, and the plan change process. The plan change will insert a new policy and consequential amendments, required by Policy the National Policy Statement for Freshwater Management (NPSFM). It also provides the opportunity to correct a number of minor errors that have been identified since the One Plan became operative.

2. RECOMMENDATION

That the Committee recommends that Council:

- a. receives the information contained in Report No. 16-67; and
- b. makes the changes to the provisions in the One Plan listed in Table 1 in the manner shown in Schedule 1 attached as **Annex A**, and directs the Chief Executive to notify the plan changes by **4 May 2016**, as required by the National Policy Statement Freshwater Management and section 55(2A) of the Resource Management Act 1991.

Table 1:

Chapter	Provision
8	Section 8.1.1
13	Policy 13-2
	Policy 13-4
	Rule 13-2
	Rule 13-3
	Rule 13-6
14	Policy 14-1
	Policy 14-5
	Policy 14-6
	Policy 14-7
	Policy 14-9
	Rule 14-1
	Rule 14-2
	Rule 14-3
	Rule 14-4
	Rule 14-6
	Rule 14-8
	Rule 14-11
	Rule 14-15
	Rule 14-19
	Rule 14-23
Rule 14-30	

Chapter	Provision
15	Policy 15-1
	Policy 15-2
	Section 15.5 Advice note
	Rule 15-8
16	Rule 16-14
17	Policy 17-1
	Policy 17-2
	Table 17.2
	Rule 17-8
	Rule 17-13
	Rule 17-15
	Rule 17-21
Rule 17-22	
Schedule F	Table F1

3. FINANCIAL IMPACT

- 3.1. This plan change will have no additional impact on existing budgets.

4. COMMUNITY ENGAGEMENT

- 4.1. The plan change is being carried out in accordance with Sections 44A(5) and 55(2A) of the **Resource Management Act 1991 (RMA)**. The process does not provide for community engagement.

5. SIGNIFICANT BUSINESS RISK IMPACT

- 5.1. There will not be a significant business risk impact resulting from this report.

6. BACKGROUND

- 6.1. Horizons is required to insert an additional policy on discharges that may have an effect on freshwater (NPSFM Policy A4), as soon as practicable. A report (No. 15-263) presented to the Strategy and Policy Committee in December 2015 discussed whether the **National Policy Statement Freshwater Management 2014 (NPSFM)** had been given full effect in the One Plan. It concluded that the One Plan provisions currently do not entirely give effect to the NPSFM in relation to setting freshwater objectives, limits and targets, and accounting and reporting requirements.
- 6.2. The process for making the plan change is set out in section 55(2A) RMA; it must be done as soon as practicable without using a Schedule 1 process. We are required to give public notice once the change has been effected, but are not required to notify or consult on our intention of making this change.
- 6.3. Officers have prepared draft amendments to the One Plan to insert Policy A4 into the One Plan as new **Policy 14-9 Consent decision making requirements from the National Policy Statement for Freshwater Management**. A reference to "*the matters in Policy 14-9*" has also been inserted as a matter for control or discretion in the controlled and restricted discretionary rules for discharges in Chapter 14, to ensure that conditions can be included in resource consents to give effect to the NPSFM.
- 6.4. Not all discharges potentially affecting freshwater are included in Chapter 14. A number of One Plan rules for other activities include discharges that are ancillary to the principal

activity, so that a separate resource consent for the discharge is not required. For example, land disturbance and vegetation clearance rules generally include discharges of sediment to water as an ancillary activity. Officers identified that consequential amendments would be needed to some policies and rules of the following chapters, to ensure that the NPSFM is given effect across the One Plan:

- Chapter 13 Land Use Activities and Indigenous Biodiversity;
- Chapter 15 Discharges to Air;
- Chapter 16 Takes, Uses and Diversions of Water, and Bores; and
- Chapter 17 Activities in Artificial Watercourses, Beds of Rivers and Lakes, and Damming.

6.5. The approach taken to this plan change and the drafting of the amendments to give effect to NPSFM Policy A4 were developed in consultation with Nicholas Jessen, partner and environmental law specialist at Cooper Rapley, to ensure they will comply with the requirements of the RMA and will give effect to the NPSFM.

6.6. In practice, these amendments will have little effect on resource consent processes. Although an additional policy will need to be addressed in applications and decisions, the matters included in the policy are already considered through the existing One Plan framework.

7. MINOR AMENDMENTS AND CORRECTIONS

7.1. In addition to the amendment to Chapter 14 Discharges to Land and Water required by the NPSFM, officers have also taken the opportunity to correct typographical and formatting errors, focusing mainly on the affected chapters but also correcting a cross-reference within Schedule F.

7.1.1. Two more substantive corrections have also been included in Plan Change 1. The first of these is the deletion of residual references to restricted coastal activities in **Chapter 8 Coast**. The New Zealand Coastal Policy Statement 2010 required the removal of these references without using a Schedule 1 plan change process. This occurred prior to the One Plan being made operative in 2014; unfortunately references were overlooked in Section 8.1.1. The opportunity has been taken now to correct this as required by section 55(2A) RMA.

7.2. The second is the deletion of **Rule 15-8: Burning activities regulated by RM Regulations 2004, including woodburners**. This rule duplicates a provision in a national environmental standard, the Resource Management (National Environmental Standards [for Air Quality] Regulations 2004. In 2011, Horizons received a legal opinion that this rule should be deleted and replaced where appropriate with references to the standard, as required by section 44A RMA. Officers have taken the opportunity provided by this plan change to remove the rule and make a consequential amendment to an advice note in Chapter 15.

8. PROCEDURAL MATTERS

8.1. With regard to the process for making this plan change, members are advised that the changes do not have to be 'approved' or 'adopted' by Council, as was the case when the One Plan was made operative in December 2014. The RMA simply states that the changes should be made and notified within five (5) working days.

8.2. The final decision to make the plan change rests with Council. However, should members decide not to make the changes, Horizons would have failed to meet the requirements of the NPSFM, and Sections 44A and 55 RMA.

9. CONSULTATION

- 9.1. The plan change is being carried out in accordance with sections 44A(5) and 55(2A) of the Resource Management Act 1991 (RMA). The process does not provide for consultation.

10. TIMELINE / NEXT STEPS

- 10.1. Plan Change 1 must be publicly notified within five (5) working days of the change being made. Based on the presumption that the decision to make the Plan Change will be finalised at the full Council meeting on 27 April 2016, notification will need to be made by 4 May 2016.

11. SIGNIFICANCE

- 11.1. This is not a significant decision according to the Council's Policy on Significance and Engagement.

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ACTING MANAGER POLICY & STRATEGY

ANNEXES

- A Schedule 1 - Amended One Plan Provisions