



Ministry for the  
**Environment**  
*Manatū Mō Te Taiao*

**Ministry for Primary Industries**  
Manatū Ahu Matua



# National Policy Statement for Freshwater Management Implementation Review

## Nelson – Whakatū

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# Regional overview

Nelson covers 420 square kilometres in the upper reaches of the South Island, between Cape Soucis (Raetihi) and the Waimea Inlet. It is surrounded by the Tasman District to the west, the Marlborough District to the east and Tasman Bay to the north. With the Bryant Range along its southeastern boundary, most of the city is hilly with narrow coastal flats near river mouths.

Despite being a city council, the urban area makes up just 6 per cent of land towards the southern end of the territory. Most of the area is sparsely populated and covered in protected native forests and regenerating bush (42%), exotic plantation forestry (22%) or farm land (13%).<sup>1</sup>

The largest rivers, the Whangamoia, Wakapuaka, Maitai and Roding, have their headwaters in the Bryant Range, which is largely in conservation land or plantation forestry (figure 1). The first three of these catchments drain directly into Tasman Bay while the Roding drains into Tasman District and joins the Waimea River. Several smaller streams drain catchments in the coastal hills and flats. Most aquifers are unconfined and connected hydrologically to surface water.<sup>2</sup> As a result, groundwater abstractions deplete surface water levels and groundwater is more susceptible to contamination. Other than the artificial Maitai reservoir, there are no major lakes within the city boundaries and few freshwater wetlands.

Nelson's climate is mild with more days of sun than most other regions. Mean annual rainfall ranges from as little as 700 millimetres in the coastal urban area to more than 2000 millimetres in the north and eastern mountains.<sup>3</sup> Flooding can be an issue and this has implications for water quality because contaminants and sediment are carried into rivers.

Demand for water is increasing and has already reached or exceeded supply in some areas. Parts of the Maitai and Roding catchments are fully or over allocated, and some smaller aquifers run dry during periods of high summer demand.<sup>4</sup> Consented water takes draw primarily from surface water. These are mostly concentrated in the urban and industrial areas to the south. Town supply accounts for around 94 per cent of total allocated volume (figure 2), and the two largest individual consented volumes take from the Maitai and Roding rivers for that purpose.<sup>5</sup> Most groundwater abstraction, however, is for industrial use.

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<sup>1</sup> Land, Air, Water Aotearoa. No date. *Nelson region: River quality*. Retrieved from [www.lawa.org.nz/explore-data/nelson-region/river-quality/](http://www.lawa.org.nz/explore-data/nelson-region/river-quality/) (30 June 2017).

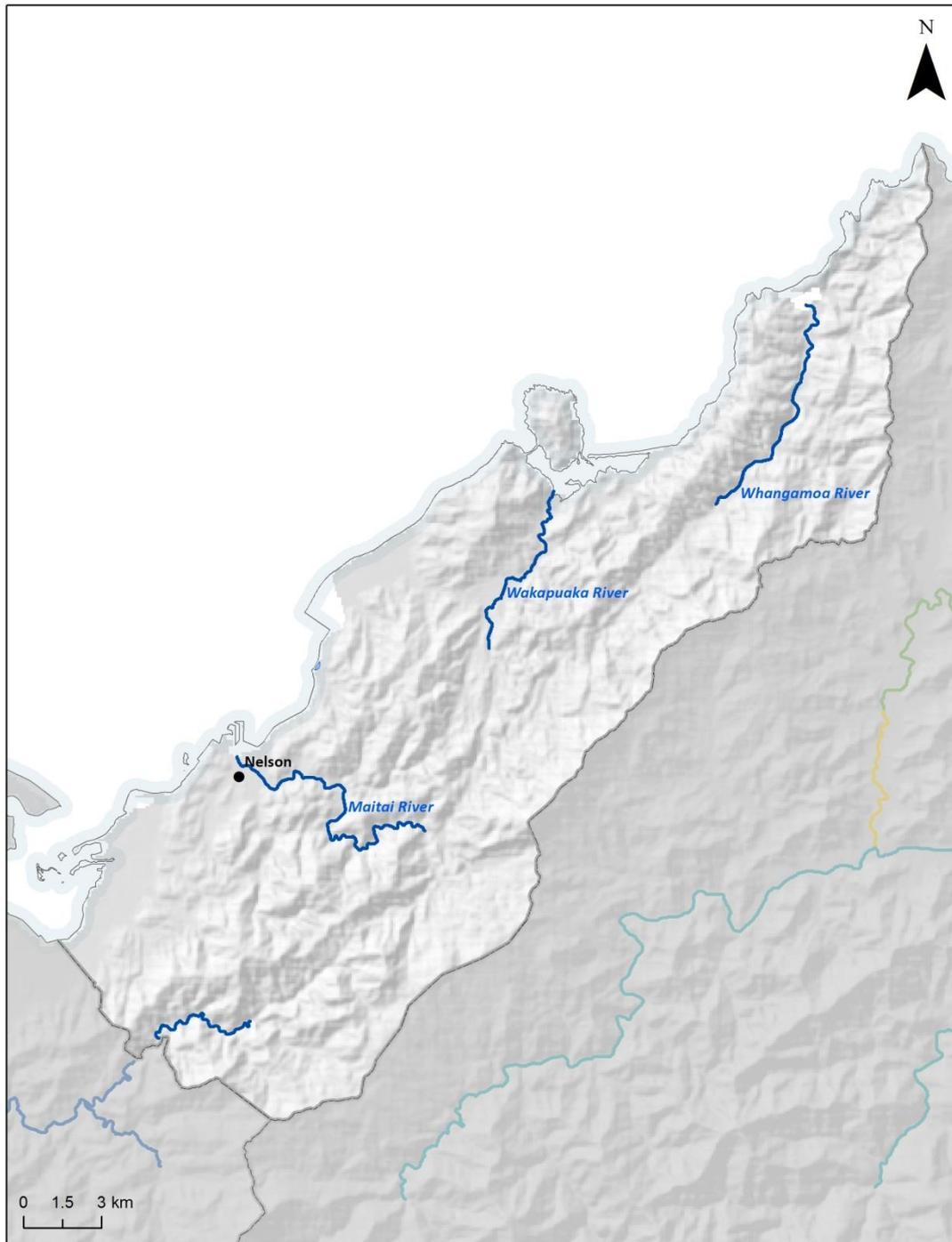
<sup>2</sup> The Catalyst Group. 2015. *Aquatic Sites of Significance: Document in support of the Nelson Plan water management framework*. Report No 2015/031. Retrieved from <https://drive.google.com/file/d/0B8uhqenEodmicnFEc21rMGhJelU/view?usp=sharing> (30 June 2017).

<sup>3</sup> Nelson City Council. 2010. *Nelson City State of the Environment 2010*. Retrieved from <http://nelson.govt.nz/assets/Our-council/Downloads/state-of-the-environment-report-2010.pdf> (30 June 2017).

<sup>4</sup> The Catalyst Group. 2015. *Aquatic Sites of Significance: Document in support of the Nelson Plan water management framework*. Report No 2015/031. Retrieved from <https://drive.google.com/file/d/0B8uhqenEodmicnFEc21rMGhJelU/view?usp=sharing> (30 June 2017).

<sup>5</sup> Land, Air, Water Aotearoa. No date. *Nelson region: Water quality*. [www.lawa.org.nz/explore-data/nelson-region/water-quantity/](http://www.lawa.org.nz/explore-data/nelson-region/water-quantity/) (30 June 2017).

**Figure 1: Major water bodies in Nelson City**

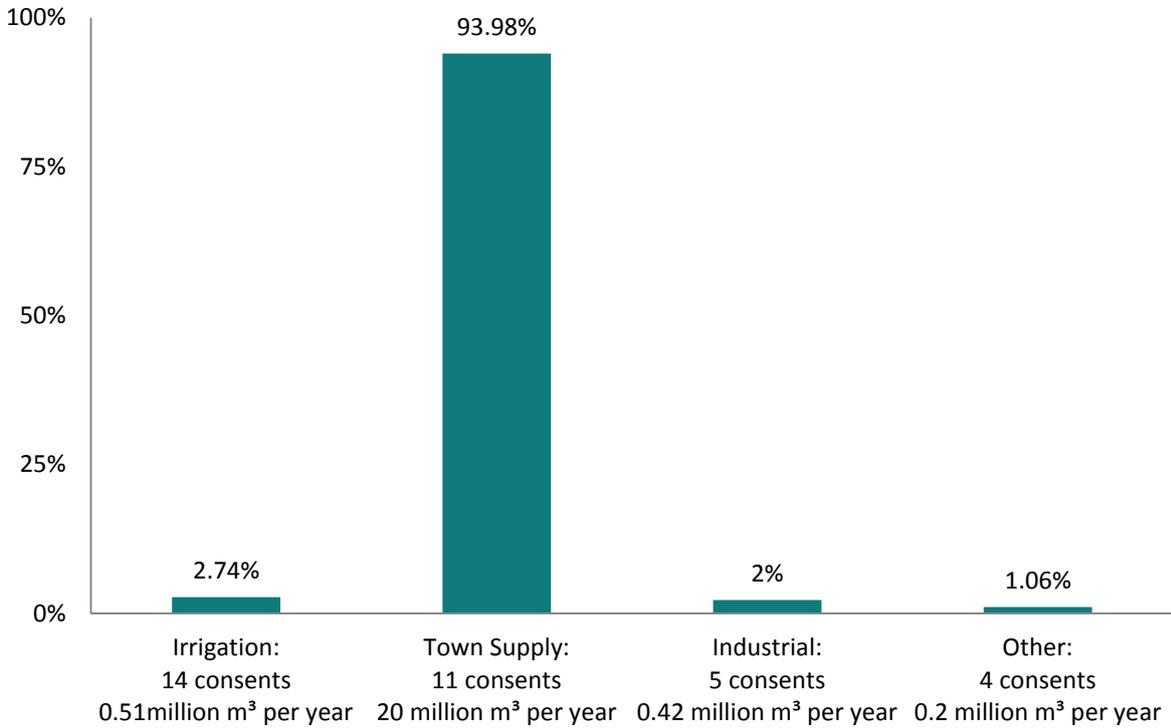


Source: Ministry for the Environment

Similar to other regions, water quality and ecosystem health are best in the upper river reaches and in catchments with less urban area or intensive agriculture, such as the Whangamoia catchment. Conversely, water quality is degraded in the lower catchments where land use is more intensive, such as the lower Maitai, Wakapuaka and Whangamoia rivers and in streams in the Stoke area. Water quality is also degraded in many urban streams due to road, commercial and industrial stormwater run-off. Areas with plantation forestry have issues with sediment and clarity. Most river monitoring sites have microbial levels that are generally

safe for swimming and other primary contact recreation. However, many are unsafe after rainfall, and some locations have been graded very poor under recreation guidelines.<sup>6</sup>

**Figure 2: Primary land use in Nelson City (Land, Air, Water Aotearoa data)**



Source: Land, Air, Water Aotearoa

<sup>6</sup> Nelson City Council. 2017. *Bathing water quality*. Retrieved from <http://nelson.govt.nz/environment/water-3/recreational-bathing-water-quality> (30 June 2017).

# Review methodology

The information and analysis contained in this report are based on evidence collected from a questionnaire completed by Nelson City Council (NCC), a series of interviews and panel discussions with relevant parties, planning documents and associated reports, and the Ministry for the Environment's ongoing relationships and projects across the region. The overall review team consisted of officials from the joint Ministry for the Environment and Ministry for Primary Industries Water Directorate with the assistance of two independent consultants who are both certified hearings commissioners with more than 30 years of experience in freshwater management.

The review team conducted a series of panel discussions with NCC executives and elected councillors, senior NCC staff, tāngata whenua and stakeholder representatives. The stakeholder panel represented a range of interests including environmental organisations and agricultural sectors. Additional interviews and panel discussions were held with representatives from national sector organisations. Following each meeting, attendees were given the opportunity to revise or supplement the meeting notes to ensure their views were recorded accurately.

While the review team has made efforts to confirm information where possible, much of the information included in the review is based on the accounts and perspectives of those involved and often cannot be verified independently.

It is important to note that none of the iwi and hapū representatives invited to our review hui attended. We recognise this as a significant limitation of our review, particularly given the complexity of iwi and hapū relationships and the influence of Treaty of Waitangi settlement arrangements on freshwater management. The following comments are based, therefore, on evidence gathered through the Ministry's ongoing conversations and relationships with representatives in the area rather than a systematic evidence-gathering process and should be read with that caveat in mind.

Stakeholder and tāngata whenua representatives did not necessarily speak with mandate as official representatives of their organisation nor are they presumed to represent all in their wider communities. They were, however, primary sources with direct experience of NCC's work.

Because of varying regional contexts, some issues are considered more or less relevant in different regions. Therefore, some topics that appear in other regional chapters but that were not raised by NCC, iwi and hapū or stakeholders in this region have been omitted from this chapter.

# Regional context for freshwater management

NCC is a unitary authority, meaning that it has the responsibilities of both a regional and territorial authority.

## Existing plans

The Nelson Resource Management Plan (NRMP) 2004 is the operative combined Regional Plan, District Plan and Regional Coastal Plan. The NRMP identifies minimum flows for specific important rivers and sets a default minimum flow regime for all other rivers in the region. Several policies and methods are intended to address water quantity allocation, including monitoring water permits and instream flows, limiting the duration of water permits to allow for more regular review and promoting of efficient water use. The NRMP also specifies how discharge permit conditions must be applied, to ensure adverse effects are mitigated or avoided.

## Iwi and hapū context

Eight iwi have rohe within Te Tau Ihu, the top of the South Island.<sup>7</sup> Treaty of Waitangi settlements were completed for all eight in 2014.

Four iwi management plans have been lodged with NCC by iwi. Once lodged with NCC, these planning documents must be taken into account by NCC when preparing or changing Resource Management Act 1991 plans. Integrating the Iwi Management Plan into NCC's policy framework is part of NCC's approach to statutory compliance and acting in partnership with local iwi.

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<sup>7</sup> The eight Te Tau Ihu iwi are represented by the following mandated iwi authorities: Ngāti Apa ki te Rā Tō Trust, Ngāti Koata Iwi Trust, Ngāti Kuia Iwi Trust, Ngāti Rārua Iwi Trust, Ngāti Tama ki Te Waipounamu Trust, Te Ātiawa o Te Waka a Māui Trust, Te Runanga a Rangitāne o Wairau and Te Runanga o Ngāti Toa Rangatira.

# Approach to implementing the NPS-FM

## Progressive implementation programme

NCC is currently working on a full review of all plans developed under the Resource Management Act 1991, including the Nelson Regional Policy Statement 1997, Nelson Air Quality Plan 2008 and the NRMP. All of these plans will be integrated into one document, the Whakamahere Whakatū Nelson Plan (Nelson Plan), which is intended to address all the requirements of the National Policy Statement for Freshwater Management (NPS-FM).

NCC has been working with three sub-regional freshwater working groups (see discussion below) and an iwi working group to undertake the process laid out in the National Objectives Framework of the NPS-FM. NCC has prepared a draft regional policy statement, and initial public comment was received in June 2016. NCC intends to notify the plan in 2018 and expects to have it operative by 2020.

## Stakeholder views

Stakeholders acknowledged the good progress NCC has made and are confident it is on track to implement the NPS-FM by 2020.

# Achieving the objectives of the NPS-FM

## Setting freshwater management units

NCC has divided the region into five freshwater management units, also referred to as management zones in NCC documents, to work through the NPS-FM objective and limit-setting process. These are the Whangamoia, Wakapuaka, Maitai, Stoke and Roding zones.

## Value and objectives

Draft values and objectives for each freshwater management unit have been developed in discussion with the three freshwater working groups and the Iwi Working Group. These draft values have been incorporated into the draft Regional Policy Statement's freshwater section and will be reviewed and tested with stakeholders as part of an iterative process to establish final objectives and limits. The community has high expectations for the Maitai River, in particular, because it is a primary source of reticulated municipal supply and is popular for recreation.

A programme of desktop and field surveys to identify wetlands and significant natural areas for protection is also under way. NCC is exploring options for protection with regional land owners to be incorporated into the new Nelson Plan.

## Limit setting and allocation

Draft limit setting and allocation provisions are currently being developed and workshopped with the freshwater working groups and the Iwi Working Group through the Nelson Plan process. A review of surface water allocation limits and minimum flows was completed in November 2015 and this is being used to inform decisions. The draft Regional Policy Statement includes policies and methods to promote the reasonable and efficient use of water.

# Community engagement

## Community groups

Freshwater advisory groups were established in the Maitai and Stoke management zones as well as a combined north Nelson group to address both the Whangamoā and Wakapuaka zones. These groups have been the focus of NCC's engagement efforts. The groups are open to any who wish to participate but generally include a range of representatives from iwi, government agencies, primary industries, businesses, environmental and other non-governmental agencies, and the local community. Because there is less resource pressure in the Roding Management Zone, NCC has not created a specific advisory group there. Instead, it will discuss Roding through stakeholder meetings and the other groups.

Although often referred to as collaborative, the groups' role is more advisory in nature at the 'involve' level of the International Association for Public Participation spectrum.<sup>8</sup> The groups provide advice, but NCC retains full authority over plan development and decision-making.

NCC considers that it appropriately engages and supports the community in discussions and reflects group recommendations in its planning work. It says group members have engaged constructively in discussion of a range of issues and all contribute valuable perspectives to the process. However, it has expressed concerns that urban perspectives may be under-represented and has observed that volunteer members have less capacity and capability for participation than paid sector representatives.

## Stakeholder views

Stakeholders praised NCC's approach to community engagement and considered the groups have been a success overall.

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<sup>8</sup> International Association for Public Participation. 2014. *IAP2's Public Participation Spectrum*. Retrieved from [www.iap2.org/resource/resmgr/foundations\\_course/IAP2\\_P2\\_Spectrum\\_FINAL.pdf](http://www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf) (30 June 2017).

# Engaging with iwi and hapū

NCC set up an iwi working group with the eight iwi of Te Tau Ihu in early 2015 to give effect to Part D of the NPS-FM. NCC and iwi have been using this forum to discuss the NPS-FM, identify iwi-specific values and objectives and to give feedback on resource management issues significant to iwi. Members of the Iwi Working Group are also invited to attend meetings of the three freshwater working groups.

The Iwi Working Group was involved in drafting a set of tāngata whenua values and interests in fresh water and freshwater ecosystems in the region that has informed the draft Regional Policy Statement, which will become part of the Nelson Plan.

## Iwi and hapū views

Iwi and hapū representatives consulted in the review praised NCC for its engagement while developing of the Nelson Plan. However, they felt they were not involved enough in consenting and management decisions.

# Capacity and capability for freshwater planning

## Council capacity and capability

Freshwater management expertise in NCC is limited and there is a high demand for those with the required skill set. While NCC has access to much outside expertise from Crown research institutes and other research organisations, it has found that acquiring and utilising this knowledge for an extended period comes at a considerable cost.

## Iwi and hapū capacity and capability

Iwi and hapū have limited staff and resources for involvement in freshwater governance or management but are being asked to engage with NCC and the Marlborough and Tasman district councils. The result is that a small number of staff are often expected to cover a wide range and high volume of work.

# Information

## Monitoring

NCC operates 26 monitoring sites as part of its State of the Environment monitoring programme for surface water. The monitoring covers most attributes listed in appendix 2 of the NPS-FM as well as a variety of other ecological health indicators.

NCC recognises the importance of long-term trends in its monitoring programme. Data collected since 2000 has been used to develop a water classification system where streams and rivers are graded from A (excellent) to E (very degraded). This has proved helpful in plan development and limit setting.

Staff have been assessing if the monitoring programme and quality management system are meeting planning needs and community expectations. Technical reports that were prepared in 2015 identified information gaps, particularly in relation to water quantity and groundwater resources. NCC says it is responding to those recommendations, and a new monitoring plan will be developed alongside limit setting through the Nelson Plan process.

## Data management

NCC has established online freshwater data reporting, including through links to the Land, Air, Water Aotearoa website. NCC is undertaking further work to allow real time data reporting.

# Plan implementation

## Implementation strategy

Because the new Nelson Plan is still under development, it is too early to comment in depth on implementation or the effects the plan will have on land owners. However, NCC says that it prefers to work with land owners and consent holders to make changes, instead of issuing penalties or fines at the outset. NCC feels that this results in more of an attitude and behavioural shift, increasing the likelihood of better freshwater outcomes.

## Non-regulatory work programmes

NCC is working with the community to implement several non-regulatory work programmes that maintain and improve the state of Nelson's freshwater bodies, including Project Maitai/Mahitahi and Nelson Nature. The 10-year Nelson Nature programme uses an extensive and targeted approach to care for the region's natural environment, boosting the conservation and ecological work carried out on both public and private land. In relation to fresh water, Nelson Nature aims to increase the abundance and diversity of native fish and bird populations through riparian fencing programmes.

NCC offers numerous grants for activities that help to improve the state of local water bodies. These extend to providing financial assistance toward fencing livestock out of waterways and funding native plants for riparian planting. NCC has also worked with the Nelson Marlborough District Health Board and the Cawthron Institute to find more effective ways to reduce potential public risk of toxic blue green algae in waterways.

Project Maitai/Mahitahi has seen NCC work in partnership with iwi, the community and other regional agencies on a four-year project to improve the water quality of the Maitai River. This will be achieved through several initiatives including riparian planting, removing barriers to fish movement, removing litter and identifying and addressing pollution sources.

# Conclusions and recommendations

The following are the views of government officials about NPS-FM implementation in the region.

- Challenges in the region, particularly around urban water management, have potential to create resourcing issues for NCC. Expertise in the area is limited, so additional costs for contractors and specialists to support NPS-FM implementation activities are expected.
- Although the team working on freshwater issues at NCC is small, Ministry for the Environment officials feel it is very capable of implementing the NPS-FM well in advance of the required 2025 timeframe. Addressing implementation through a combined plan but with objectives and limits tailored to management units is a pragmatic approach.
- The management of the Maitai and Roding zones, which supply most of the drinking water in the region, is critical to the health and well-being of citizens. NCC is supporting non-regulatory initiatives that will help protect these rivers.
- The freshwater working groups that NCC has established are positive for the region. The groups appear to be working well within the community and with NCC. Maintaining these positive relationships will help a smooth incorporation of values into the Nelson Plan process.
- NCC appears to be working well with local iwi. We encourage NCC to consider ways to reduce the burden on iwi representatives to ensure they can participate effectively. We also encourage NCC to help iwi become more involved in consenting and management decisions.