

Northland Regional Council Regional Policy Committee

Meeting Agenda

Regional Policy Committee

For meeting to be held in the Council Chambers,
36 Water Street, Whangarei, on
Monday, 23 June 2014,
commencing at 2.00pm

**NORTHLAND REGIONAL COUNCIL
Regional Policy Committee**

Agenda

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commencing at 2.00pm

Recommendations contained in this committee agenda are NOT formal council decisions. Please refer to council confirmed minutes for resolutions.

OPEN MEETING

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ISSUE: Confirmation of Minutes – 24 February 2014

ID: A650844

To: Regional Policy Committee, 23 June 2014

From: Evania Laybourn, Committee Secretary

Date: 16 June 2014

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|----------------------|--|--|--|
| Report Type: | <input checked="" type="checkbox"/> Normal operations | <input type="checkbox"/> Information | <input type="checkbox"/> Decision |
| Purpose: | <input type="checkbox"/> Infrastructure | <input type="checkbox"/> Public service | <input type="checkbox"/> Regulatory function |
| | <input checked="" type="checkbox"/> Legislative function | <input type="checkbox"/> Annual\Long Term Plan | <input type="checkbox"/> Other |
| Significance: | <input type="checkbox"/> High | <input type="checkbox"/> Moderate | <input checked="" type="checkbox"/> Low |

Executive Summary:

The minutes from the meeting held on 24 February are **attached**.

Legal compliance and significance assessment:

Councils are required to keep minutes of proceedings in accordance with the Local Government Act 2002.

Recommendation(s):

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1. That the report "Confirmation of Minutes – 24 February 2014 by Evania Laybourn, Committee Secretary and dated 16 June 2014, be received.
 2. That the **attached** minutes of the Regional Policy Committee Meeting held on 24 February 2014 be confirmed as a true and correct record.
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**NORTHLAND REGIONAL COUNCIL
REGIONAL POLICY COMMITTEE**

Minutes of the Regional Policy Committee Meeting
held in the Council Chamber,
Northland Regional Council, 36 Water Street, Whāngārei, on
Monday 24 February 2014, commencing at 1.00 pm

Present:

Northland Regional Council
Cr Graeme Ramsey (Chairman)
Cr Craig Brown
Cr David Sinclair
Cr Joe Carr

In Attendance:

Programme Manager – Policy Specialist
Policy Specialist – Coastal
Committee Secretary x 2

The Chairman declared the meeting open at 1.10pm.

Apologies (Item 1.0)

Moved (Cr Brown / Cr Sinclair)

That the apology from Cr John Bain for non-attendance be received.

Carried

Declaration of Conflict of Interest (Item 2.0)

The Chairman gave members the opportunity to declare an interest on any item of business on the agenda for the meeting.

There were no conflicts of interest declared at this point.

Confirmation of Minutes – 2 December 2013 (Item 3.1)
Report from Evania Laybourn, Committee Secretary dated 3 February 2014.
ID: A610831

Moved (Cr Brown / Cr Sinclair)

1. That the report “Confirmation of Minutes – 2 December 2013” by Evania Laybourn, Committee Secretary, dated 3 February 2014, be received.
2. That the minutes of the Regional Policy Committee Meeting held on 2 December 2013 be confirmed as a true and correct record.

Carried

Regional Plans Review Process (Item 3.2)
Report from Ben Lee, Policy Specialist – Coastal dated 12 February 2014.
ID: A614977

Moved (Cr Ramsey / Cr Brown)

1. That the report “Regional Plans Review Process” by Ben Lee Policy Specialist – Coastal, dated 12 February 2014, be received.
2. That the Regional Policy Committee approve the process for the review of the Regional Air Quality Plan, Regional Water and Soil Plan, and Regional Coastal Plan in accordance with section 79 of the Resource Management Act 1991 as outlined in this paper.

Carried

Matters arising from Item 3.2:

There was general agreement of the following action points:

1. Staff to circulate list of stakeholder groups for each work stream to all committee members prior to workshop invitations being sent.
2. Committee members to be informed of dates for key stakeholder workshops and where possible at least one committee member will attend each workshop.
3. In undertaking the review consideration should be given to:
 - a. the use of natural and physical resources (past/present/future), and
 - b. lessons learnt from within council and external key stakeholders.

Proposed Auckland Unitary Plan (Item 3.3)
Report from Justin Murfitt, Policy Programme Manager (Resource Management)
dated 12 February 2014.

ID: A616705

Moved (Cr Brown / Cr Sinclair)

1. That the report "Proposed Auckland Plan" by Justin Murfitt – Policy Programme Manager (Resource Management), dated 12 February 2014, be received.
2. That the Regional Policy Committee approves the draft submission (including any amendments as directed by the committee) and that this be lodged with Auckland Council prior to close of submissions on 28 February 2014.

Carried

Conclusion

The meeting concluded at 1.50 pm.

ISSUE: Update on the Review of the Regional Plans

ID: A648815

To: Regional Policy Committee, 23 June 2014

From: Ben Lee, Policy Specialist - Coastal

Date: 10 June 2014

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|----------------------|--|--|--|
| Report Type: | <input type="checkbox"/> Normal operations | <input type="checkbox"/> Information | <input checked="" type="checkbox"/> Decision |
| Purpose: | <input type="checkbox"/> Infrastructure | <input type="checkbox"/> Public service | <input type="checkbox"/> Regulatory function |
| | <input checked="" type="checkbox"/> Legislative function | <input type="checkbox"/> Annual\Long Term Plan | <input type="checkbox"/> Other |
| Significance: | <input type="checkbox"/> High | <input type="checkbox"/> Moderate | <input checked="" type="checkbox"/> Low |

Executive Summary:

For a number of reasons timeframes approved by the committee at its February 2014 meeting are not likely to be achieved. The committee may also like to consider including an additional opportunity for it to review and provide feedback on the draft reports (e.g. an additional committee workshop).

Assuming an additional committee workshop, the proposed amended process is as follows:

- Draft reports and summaries circulated to key stakeholders – early August 2014.
- Key stakeholder workshops –early September 2014.
- Committee workshop – September 2014.
- Finalise reports – October 2014.
- Reports presented to committee – November 2014.

Please refer to the **attached report** for more information.

Legal compliance and significance assessment:

The activities detailed in this report are part of the council's day to day operations, are provided for in the council's 2012-2022 Long Term Plan, and are in accordance with the council's decision making process and sections 76-82 of the Local Government Act 2002. The matters are not significant under council policy.

Recommendation(s):

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1. That the report "Update on the Review of the Regional Plans" by Ben Lee, Policy Specialist - Coastal and dated 10 June 2014, be received.
 2. That the Regional Policy Committee approve the amended process for the review of the Regional Air Quality Plan, Regional Water and Soil Plan, and Regional Coastal Plan as outlined in this paper.
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Report

The regional plans review process

The committee will recall that the following process for reviewing the regional plans was approved at its February 2014 meeting:

- In-house review complete – May 2014
- Engagement with key stakeholders – June 2014
- Review finalised and adoption by committee – August 2014

However the timeframes are not likely to be achieved, because:

- The proposed Regional Policy Statement Environment Court mediations in early May and follow-up work diverted internal resources.
- The holding of the joint workshop with the Environmental Management Committee (originally not planned for) and time required to make changes in response to feedback; and
- Key review issues – such as water quality – require additional research and integration with other programmes such as Waiora Northland Water.

It is anticipated that summary reports (see below for further discussion about these) will be ready to circulate to key stakeholders by early August, assuming no major changes are required as a result of the feedback from the Regional Policy and Environmental Management committees

This would mean the key stakeholder workshops would start late-August and into early September. Allowing a further 4-5 weeks after the conclusion of the workshops to respond to feedback (again assuming no major work required), would make October 2014 the earliest time for when the RPC could be presented with the final reports for adoption.

The February 2014 approved process provided for committee feedback through attendance at the stakeholder workshops, and there is/was another opportunity through the joint workshop with the Environmental Management Committee, however the committee may also want to consider a further opportunity. For example, a committee workshop *after* the stakeholder workshops but *before* being presented with the final reports. If this were the case, then this would extend the timeframes to November 2014.

In summary, and assuming an additional committee workshop, the amended proposed timeframes are as follows:

- Draft summary reports circulated to key stakeholders – early August 2014
- Key stakeholder workshops – early September 2014
- Committee workshop – September 2014
- Finalise reports – October 2014
- Reports presented to committee – November 2014

Water quality and quantity topics

As discussed, the review has been broken up into topics. For many of the topics understanding the issues and developing proposed responses is relatively straight forward, however this is not the case for the water quality and water quantity topics.

As the committee will be aware, there is a lot going on in the water management area that will directly impact future regional plans:

- There have been significant changes in the national direction which we are obliged to implement (as directed by the Freshwater NPS), and there is considerable complexity in its implementation. There is also a revision to the Freshwater NPS to accommodate.
- Catchment group outcomes to implement.
- Science and research information gaps to fill.

As a consequence it is likely that the final reports for water quality and quantity presented will not include fully worked up options for dealing with identified issues. This doesn't mean that this work won't be undertaken – it will just roll over into the drafting phase of the new regional plans (including further stakeholder engagement).

Summary documents

It has become apparent that the level of detail in the draft reports will be too much for many readers (key stakeholders). Therefore we will be preparing draft summary documents. These will be circulated to key stakeholders prior to the workshops. The full reports will be presented to the committee in November 2014.

ISSUE: Key Preliminary Findings of the Regional Plans Review

ID: A648698

To: Regional Policy Committee, 23 June 2014

From: Ben Lee, Policy Specialist - Coastal

Date: 10 June 2014

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|----------------------|--|---|--|
| Report Type: | <input type="checkbox"/> Normal operations | <input checked="" type="checkbox"/> Information | <input type="checkbox"/> Decision |
| Purpose: | <input type="checkbox"/> Infrastructure | <input type="checkbox"/> Public service | <input type="checkbox"/> Regulatory function |
| | <input checked="" type="checkbox"/> Legislative function | <input type="checkbox"/> Annual\Long Term Plan | <input type="checkbox"/> Other |
| Significance: | <input type="checkbox"/> High | <input type="checkbox"/> Moderate | <input checked="" type="checkbox"/> Low |

Executive Summary:

This report presents a summary of the key preliminary findings of the regional plans review and proposed approaches in response.

The key preliminary findings are those that are likely to have significant public interest and/or require a major change to the current approach.

Water quality is the most significant topic coming out of the review.

Of particular note is the recent New Zealand King Salmon vs Environmental Defence Society Supreme Court case. It is likely to have major implications for preparing the new regional plan(s), particularly the elevated obligation to adhere to higher level planning documents (such as the New Zealand Coastal Policy Statement 2010).

Refer to the **attached report** for more information including the key preliminary findings presented by topic.

Legal compliance and significance assessment:

The activities detailed in this report are part of the council's day to day operations, are provided for in the council's 2012-2022 Long Term Plan, and are in accordance with the council's decision making process and sections 76-82 of the Local Government Act 2002. The matters are not significant under council policy.

Recommendation(s):

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1. That the report "Key Preliminary Findings of the Regional Plans Review" by Ben Lee, Policy Specialist - Coastal and dated 10 June 2014, be received.
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Report

This report presents the key preliminary findings from the review of the Regional Air Quality Plan, Regional Water and Soil Plan, and Regional Coastal Plan in accordance with Section 79 of the Resource Management Act 1991 (RMA). The key preliminary findings are those that are likely to have significant public interest and/or require a major change to the current approach.

The review has been broken up into topics, and this is how the preliminary key findings are presented below. The topics are ordered by significance, starting with 'Water quality' as the most significant issue to be addressed by the new regional plan(s).

1. Water quality

Key findings:

Monitoring and research has identified three significant issues with Northland's water quality:

- Nutrient enrichment in the majority of dune lakes promoting the growth of nuisance plant and algal species, which reduce water clarity and out compete native species.
- Reduced water clarity in the majority of rivers and high sediment accumulation rates in Northland estuaries. This is impacting on the health of aquatic ecosystems, fisheries, natural character and amenity values.
- Fecal contamination (stock and human) in many of the region's rivers and estuaries, causing increased health risks to humans when swimming and consuming shellfish.

There are also a number of issues associated with the council's management of the region's water quality:

- The current freshwater objectives are too broad. They are difficult to measure and determine whether they are being achieved.
- The absence of enforceable water quality limits.
- Fresh and coastal water quality are managed in isolation.
- Issues with monitoring and enforcing rules, particularly permitted activity rules and controls on urban stormwater and wastewater overflows.
- Inadequate controls on critical non-point sources of fine sediment, nutrients and faecal contamination.
- The need to give effect to national and regional policy direction.
- Information uncertainties.

Proposed approach:

- New water management objectives should be focused on ecosystem health and human health (the assumption being that if these values are provided for, then other values would also be provided for).
- Enforceable water quality standards (limits) should be set for contaminants to ensure that the objectives are met.

Attachment

- Changes will likely be required to policies and rules for managing discharges, particularly land disturbance activities, stock in water bodies and nutrient management.
- Improving the quality of dune lakes a priority for council non-regulatory resources.

2. Water quantity

Key findings:

- Access to water (security of supply) is critical for Northland's economy, particularly the primary sector.
- Management of water takes is as much about managing security of supply for users as it is about managing for other values.
- While many freshwater bodies are not under pressure, some rivers are highly allocated.
- The need to give effect to national and regional policy direction, in particular the setting of water allocation limits.
- There is a significant risk of valued wetlands being drained or damaged.

Proposed approach:

- Municipal water takes a priority.
- Homogenous management units for low and moderately allocated catchments and tailored management units for highly allocated catchments.
- Better understanding of water use e.g. reinforcing dairy industry commitments for measuring water consumption.

3. Significant natural and heritage values

This topic looks at the management of activities in the coastal marine area, rivers and lakes and their effects on significant or outstanding natural and heritage values (e.g. outstanding natural landscapes).

Key findings:

- New Zealand Coastal Policy Statement 2010 (NZCPS) needs to be implemented.
- The Marine Management 1 (Protection) Areas in the Regional Coastal Plan (the zone representing outstanding/significant areas) are too broad and the values not well defined. The rules are also generic rather than tuned to values they protect.
- The recent New Zealand King Salmon vs Environmental Defence Society Supreme Court case (the King Salmon case) has major implications for the way significant natural values are managed and the NZCPS is given effect to. In particular, while previously there was some flexibility in adhering to higher level planning documents requirements to protect significant natural values, this is no longer the case. It means councils will have to be especially careful about the identification and management of significant and natural heritage values.

Attachment

Proposed approach:

- The Marine Management 1 (Protection) Areas be removed and replaced with resource/value specific overlays and rules (e.g. outstanding natural character areas mapped in the new Regional Policy Statement).

4. Natural hazards

Key findings:

- A lot of Northland's existing development and infrastructure is in known hazard prone areas.
- It is almost certain that natural hazard risk (particularly coastal and flooding hazards) will increase throughout this century.
- Natural hazards not well accounted for in current plans.

Proposed approach:

- Introduction of policies/rules to manage materially damaged or destroyed buildings in high risk hazard areas.
- Natural hazard specific provisions (e.g. for coastal protection structures and earthworks on floodplains).

5. Coastal space

Key findings:

- Various changes required to give effect to New Zealand Coastal Policy Statement 2010.
- Demand / potential for new mooring and marina zones, particularly in the Bay of Islands.
- Current policy is for existing moorings outside of mooring areas to be removed. Yet to be fully implemented, but if it is it will have significant impacts including costs to council.
- There are a number of marine farms which are within or adjoin an outstanding natural character area (primarily oyster farms in Parengarenga and Rangaunu Harbours). Uncertain how the King Salmon case will impact on the ability to provide for their long-term ongoing operation.

Proposed approach:

- Implement the councils Moorings and Marinas Strategy (finalised later this year) which will identify proposed new mooring and marina zones in the Bay of Islands.
- Consider options for managing existing moorings outside mooring zones.
- Consider options for providing for the ongoing long-term operation of marine farms.

6. Marine ecosystems and biodiversity

Key findings:

- The current Marine Management 1 (Protection) Areas in the Regional Coastal Plan do not accurately capture significant ecological areas.
- Marine pest management is a gap in the Regional Coastal Plan.
- No guidance about biodiversity offsetting. (Offsetting means allowing adverse effects on a resource provided they are 'offset' with positive effects on the same resource).

Proposed approach:

- Remap significant ecological areas in the coastal marine area.
- Include provisions in Regional Coastal Plan to better manage marine pests.
- Provide guidance on biodiversity offsetting.

7. Maori participation in resource management

Key finding:

- Regional plan commitments promoting Maori participation in resource management processes are not well implemented or too unclear.

Proposed approach:

- To be developed.

8. Infrastructure and mineral extraction

Key findings:

- Benefits of infrastructure not well recognised in current regional plans.
- There is considerable community interest in mining activities.
- No evidence to justify blanket prohibition of particular mining activities.

Proposed approach:

- Recognise the benefits of infrastructure e.g. permissive provisions for re-consenting and maintenance.

9. Hazardous substances and contaminated land

Key finding:

- The current rule prohibiting the use of waste oil as a dust suppressant on roads is onerous. However there are potentially significant effects and situation specific issues.

Proposed approach:

- Consider removing prohibited status to waste oil as a dust suppressant in certain circumstances.

10. Air quality

Key findings:

- Inconsistency between rules for discharges of a substance (e.g. ground based spraying) to air vs discharge of same substance to land and water.
- The notification distance requirement for notifying neighbours of aerial spraying is too small.

Proposed approach:

- Have the same requirements for discharges where the effects are the same regardless of whether they are to air, land or water.
- Increase the aerial spraying notification distance.