

**Council**

**Tuesday 19 November 2019 at 10.30am**

# **AGENDA**

## Northland Regional Council Agenda

Meeting to be held in the Council Chamber  
36 Water Street, Whangārei  
on Tuesday 19 November 2019, commencing at 10.30am

**Recommendations contained in the council agenda are NOT council decisions. Please refer to council minutes for resolutions.**

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<p><b>ACC</b> - Accident Compensation Corporation  <b>ALGIM</b> - Association of Local Government Information Management  <b>AMA</b> - Aquaculture Management Area  <b>AMP</b> - Asset Management Plan/Activity Management Plan  <b>AP</b> - Annual Plan  <b>BOI</b> - Bay of Islands  <b>BOPRC</b> - Bay of Plenty Regional Council  <b>CAPEX</b> - Capital Expenditure (budget to purchase assets)  <b>CBEC</b> - Community, Business and Environment Centre  <b>CDEM</b> - Civil Defence Emergency Management  <b>CEG</b> - Co-ordinating Executive Group – Northland Civil Defence management team  <b>CEO</b> - Chief Executive Officer  <b>CIMS</b> - Co-ordinated Incident Management System (emergency management structure)  <b>CMA</b> - Coastal Marine Area  <b>CPCA</b> - Community Pest Control Areas  <b>CRI</b> - Crown Research Institute  <b>DHB</b> - District Health Board  <b>DOC</b> - Department of Conservation  <b>DPMC</b> - Department of Prime Minister and Cabinet  <b>ECA</b> - Environmental Curriculum Award  <b>ECAN</b> - Environment Canterbury  <b>EECA</b> - Energy Efficiency Conservation Authority  <b>EEZ</b> - Exclusive Economic Zone  <b>EF</b> - Environment Fund  <b>EMA</b> - Employers and Manufacturers Association  <b>EOC</b> - Emergency Operations Centre  <b>EPA</b> - Environmental Protection Authority  <b>ETS</b> - Emissions Trading Scheme  <b>FDE</b> - Farm Dairy Effluent  <b>FNDC</b> - Far North District Council  <b>FNHL</b> - Far North Holdings Limited  <b>FPP</b> - First Past the Post – voting system for NRC elections  <b>GE</b> - Genetic Engineering  <b>GIS</b> - Geographic Information System  <b>GMO</b> - Genetically Modified Organism  <b>HSNO</b> - Hazardous Substances &amp; New Organisms Act  <b>HBRC</b> - Hawke's Bay Regional Council  <b>HEMP</b> - Hapū Environmental Management Plan  <b>Horizons</b> - Brand name of Manawatu-Wanganui Regional Council  <b>HR</b> - Human Resources  <b>HSWA</b> - Health and Safety at Work Act 2015  <b>IEMP</b> - Iwi Environmental Management Plan  <b>IPPC</b> - Invited Private Plan Change: a process to allow Aquaculture Management Areas to be established  <b>IRIS</b> - Integrated Regional Information System  <b>KDC</b> - Kaipara District Council  <b>KPI</b> - Key Performance Indicator  <b>LATE</b> - Local Authority Trading Enterprise  <b>LGA</b> - Local Government Act 2002  <b>LGNZ</b> - Local Government New Zealand  <b>LGOIMA</b> - Local Government Official Information and Meetings Act 1987  <b>LGOL</b> - Local Government Online  <b>LTP</b> - Long Term Plan  <b>LTFS</b> - Long Term Financial Strategy  <b>MCDEM</b> - Ministry of Civil Defence &amp; Emergency Management  <b>MFE</b> - Ministry for the Environment  <b>MHWS</b> - Mean High Water Springs  <b>MMH</b> - Marsden Maritime Holdings Limited  <b>MNZ</b> - Maritime New Zealand  <b>MBIE</b> - Ministry of Business, Innovation and Employment  <b>MOH</b> - Ministry of Health  <b>MOT</b> - Ministry of Transport</p>	<p><b>MPI</b> - Ministry for Primary Industries  <b>MSD</b> - Ministry of Social Development  <b>NCMC</b> - National Crisis Management Centre  <b>NES</b> - National Environmental Standards  <b>NDHB</b> - Northland District Health Board  <b>NZRC</b> - New Zealand Refining Company (Marsden Point)  <b>NGO</b> - Non-Governmental Organisation  <b>NIF</b> - Northland Intersectoral Forum  <b>NINC</b> - Northland Inc.  <b>NIWA</b> - National Institute of Water and Atmosphere  <b>NORTEG</b> - Northland Technical Advisory Group  <b>NPS</b> - National Policy Statement  <b>NZCPS</b> - New Zealand Coastal Policy Statement  <b>NZTA</b> - New Zealand Transport Agency  <b>NZQA</b> - New Zealand Qualifications Authority  <b>NZWWA</b> - New Zealand Water and Wastes Association  <b>OFI</b> - Opportunity for Improvement  <b>OSH</b> - Occupational Safety &amp; Health  <b>OSPRI</b> - Operational Solutions for Primary Industries  <b>PCBU</b> - Person Conducting Business or Undertaking  <b>PDF</b> - Portable Document Format  <b>PPE</b> - Personal Protective Equipment  <b>RAP</b> - Response Action Plan  <b>RAQP</b> - Regional Air Quality Plan  <b>RCP</b> - Regional Coastal Plan  <b>RFI</b> - Request for Information  <b>RFP</b> - Request for Proposal  <b>RTC</b> - Regional Transport Committee  <b>RLTS</b> - Regional Land Transport Strategy  <b>RMA</b> - Resource Management Act 1991  <b>RMG</b> - Resource Managers Group (Regional Councils)  <b>RMZ</b> - Riparian Management Zone  <b>ROI</b> - Return on Investment  <b>RPMP</b> - Regional Pest Management Plan  <b>RPMS</b> - Regional Pest Management Strategy  <b>RPS</b> - Regional Policy Statement  <b>RSG</b> - Regional Sector Group  <b>RSHL</b> - Regional Software Holdings Ltd  <b>RTO</b> - Regional Tourism Organisation  <b>RWASP</b> - Regional Water and Soil Plan  <b>SIPO</b> - Statement of Investment Policy and Objectives  <b>SITREP</b> - Situation Report  <b>SMF</b> - Sustainable Management Fund  <b>SOE</b> - State of Environment (or) State Owned Enterprise  <b>SOLGM</b> - Society of Local Government Managers  <b>SPARC</b> - Sport &amp; Recreation New Zealand  <b>STV</b> - Single Transferable Vote  <b>SWAG</b> - Surface Water Allocation Group  <b>SWPA</b> - Sustainable Water Programme of Action  <b>TAG</b> - Technical Advisory Group  <b>Tier 1</b> - Site level plan or response for an oil spill  <b>Tier 2</b> - Regional level plan or response to an oil spill  <b>Tier 3</b> - National level plan or response to an oil spill  <b>TLA</b> - Territorial Local Authority – City &amp; District Councils  <b>TMP</b> - Treasury Management Plan  <b>TOR</b> - Terms of Reference  <b>TPK</b> - Te Puni Kōkiri (Ministry of Maori Development)  <b>TUANZ</b> - Telecommunications Users Association of NZ  <b>UNISA</b> - Upper North Island Strategic Alliance  <b>WDC</b> - Whangarei District Council  <b>WHHIF</b> - Whangarei Harbour Health Improvement Fund  <b>WRC</b> - Waikato Regional Council  <b>WSMP</b> - Workplace Safety Management Practices  <b>WWTP</b> - Wastewater Treatment Plant</p>
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**TITLE:** Health & Safety Report - October 2019

**ID:** A1255255

**From:** Andree James, Health and Safety and Human Resources Advisor and Beryl Steele, Human Resources Manager

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### Executive Summary / Whakarāpopototanga

This report provides an overview of Health & Safety activity during the month of October 2019. The number of incidents has increased due to Health & Safety Representatives and the new Advisor driving requests for improved reporting. One serious 'near miss' is reported, stop work was discussed and controls will be implemented in November. Chemical handling features highly for the month of October.

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### Recommendation / Ngā mahi tūtohutia

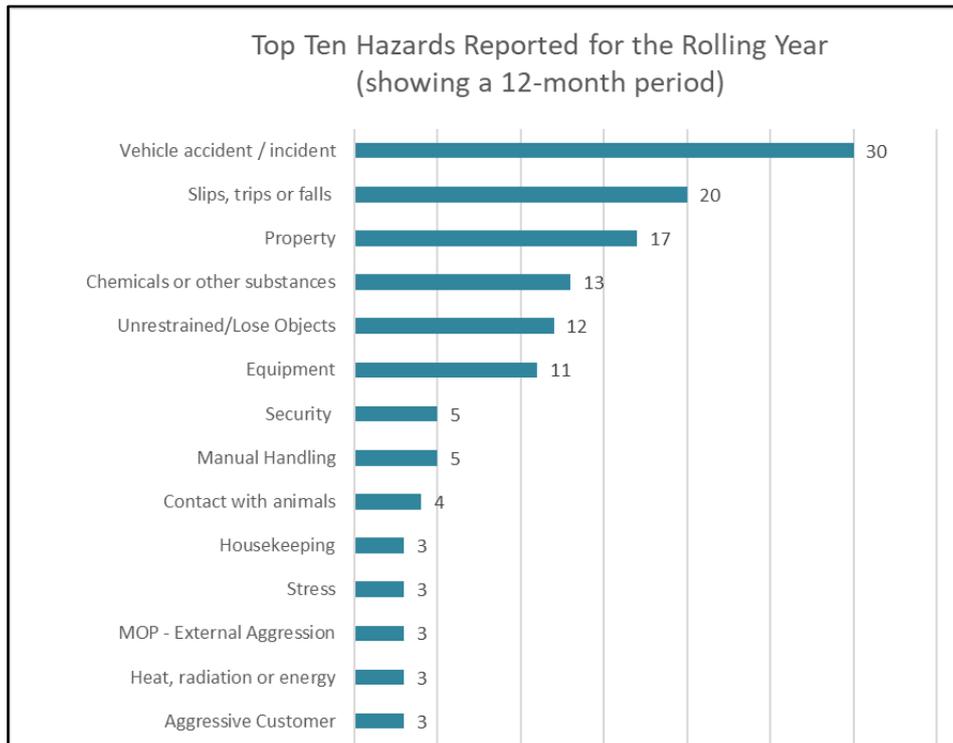
That the report 'Health & Safety Report - October 2019' by Andree James, Health and Safety and Human Resources Advisor and Beryl Steele, Human Resources Manager and dated 31 October 2019, be received.

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### Background / Tuhinga

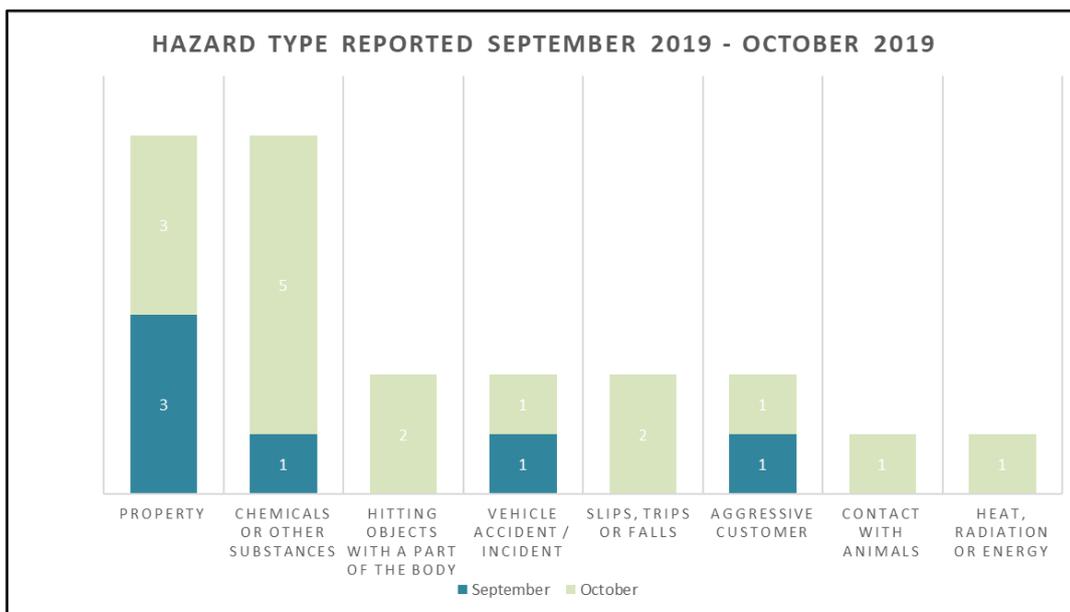
Statistics rolling year September 2018 - October 2019  
(showing a 12-month period)

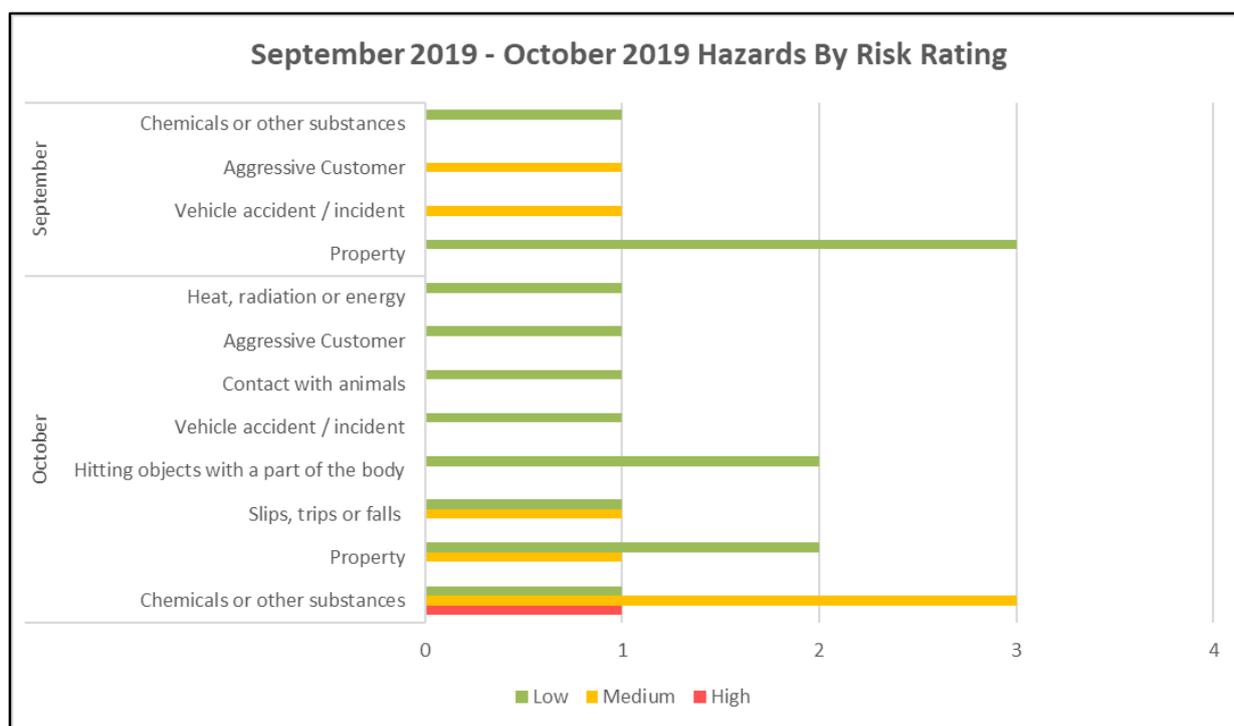
Injury Related					Hazards				
Loss time Injury (LTI)	Accident Work (ACC W)	Accident Not Work (ACC NW)	Medical Treatment Incident (MTI)	First Aid Treatment Incident (FTI)	No Medical Treatment Incident (NMTI)	Near Miss	Hazard (HAZ)	Incident (INC)	Security (SEC)
1	10	0	1	2	1	18	18	9	2



**Incident types reported for the Period September 2019 – October 2019**

LTI	ACC W	ACC NW	MTI	FTI	INMT	Near Miss	HAZ	INC	SEC
0	0	0	0	2	1	6	11	1	0





### Vehicle incident details

- A trailer bounced off a tow ball as it was not locked in properly. The driver stopped where visible and reloaded the trailer. The handle of trailer was broken and needed replacement, but it was still usable. This has now been fixed.
- While leaving an underground carpark the driver took the corner too tightly and scrapped the rear right hand side of the vehicle against a parking lot bollard.

### Chemical Hazard

- The chemical hazard is rated high as, although we have appropriate measures in place to mitigate risk to our people and others who we have responsibility for as a PCBU, there is still the potential for people to be seriously hurt whether due to fire, explosion or poisonous gases.

### Events of Note

- Chemwaste in Auckland reported a fire due to Chemist failing to identify hazardous substance NRC had delivered via delivery service contractor HAZChem. Chain of events categorises this as a serious Near Miss. Another Near Miss occurred at the Re:sort Centre shortly after this event which highlights the requirement for a more robust segregation and identification process. Controls to be approved by Group Manager.
- The Health & Safety Strategy was launched by the Health & Safety Committee
- A new Health & Safety Advisor commenced with the organisation

**Training:**

Topic	Dates	Pax	Length
4 Wheel drive Theory	September	27	1 day
Contractor Management	September	1	1 day
Chemical Handler	September	1	1 day
4 Wheel Drive Practical	October	27	1 day
Traffic Controller	October	5	1 day
STMS	October	1	2 days
Induction	October	2	1 hour

**Projects:**

A full review of the current Health & Safety Management System and its effectiveness is taking place with the initiative of carrying out a SafePlus assessment. SafePlus is a joint initiative developed by WorkSafe New Zealand, ACC and the Ministry of Business, Innovation and Employment (MBIE) and provides a credible, nationally recognised and authoritative definition of what good health and safety looks like over and above minimum legal compliance.

**Current Projects include:**

Priority	Risk	Demand	Comfort
Contract Management	High	High	Red
Councillor Induction	Low	High	Green
Dept Specific Inductions	High	Low	Red
ELT Day in the Life	Low	High	Green
ELT Top 7 Action Plan	Low	Low	Green
First Response Review	Low	Low	Yellow
H&S Reporting	Low	High	Yellow
HSNO	Medium	High	Red
NRC Management Development Program H&S	Low	Low	Green
People (Support)	High	Low	Green
Policy Reviews	Medium	High	Yellow
Review H&S Procedures	Medium	Medium	Red
Risk Register	Medium	High	Yellow
Safe Plus Accreditation	Low	Low	Green
Tag and Test	Low	Managed - Low	Green
Traffic Management Plan State highway	Medium	High	Yellow
Training Records	Low	High	Yellow
Volunteer Procedures	Medium	Low	Yellow

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**Authorised by Group Manager**

**Name:** Dave Tams  
**Title:** Group Manager, Corporate Excellence  
**Date:** 11 November 2019

**TITLE: Working Party Updates and Chairpersons' Briefings**

**ID:** A1256984

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**Recommendation / Ngā mahi tūtohutia**

That the report 'Working Party Updates and Chairpersons' Briefings' be received.

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**Te Taitokerau Māori and Council Working Party (Co-Chairs: Pita Tipene, Cr Paul Dimery)**

The working party met on 12 September 2019. The topics for discussion included:

- Presentations from Northland Inc and the Tane Whakapiripiri Project
- Continuity of the Māori Technical Advisory Group (MTAG) over the council recess
- TTMAC review and membership
- MTAG update on Mana Whakahono a Rohe
- Funding for scholarships and for Iwi and Hapū Environmental Management Plans
- Northland Water Storage and Use Project
- Reviewing Freshwater Quantity Limits for Fully Allocated Water Bodies
- Appeals to the Proposed Regional Plan
- Updates on: Inter-regional Marine Pest Management Discussion Document; and Climate Change
- Report on the TTMAC marae-based hui hosted by Ngāti Kuri at Waiora Marae on 8 August.

Following discussion, the working party provided advice on the following next steps:

- That a paper be taken to council recommending that MTAG be able to reconvene for up to five meetings during the period of the election and coming-into-office of the new triennium council (2019-2022).
- That MTAG consider and provide advice about TTMAC membership and any other aspects of TTMAC. That advice will then be provided to the incoming council for their consideration when reviewing the governance structure.
- That staff and MTAG work together on identifying a preferred option for marine pest management (Inter-regional Marine Pest Management Discussion Document)
- That staff work with MTAG to develop recommendations on how tangata whenua values and interests are identified and reflected in the assessment of freshwater quantity limits for fully allocated water bodies.

**Planning Working Party (Chair: Cr Joce Yeoman)**

The working party met on 18 September 2019. The topics for discussion included:

- Update on Central Government Policy Direction
- Update on Appeals for the Proposed Regional Plan

Following discussion, no further advice nor actions were required.

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**Authorised by Group Manager**

**Name:** Jonathan Gibbard

**Title:** Group Manager - Strategy, Governance and Engagement

**Date:** 13 November 2019

**TITLE: Approval to open an Australian currency bank account with ASB**

**ID:** A1254254

**From:** Simon Crabb, Finance Manager

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**Executive Summary / Whakarāpopototanga**

The latest investment report from council's independent investment advisor (EriksensGlobal) showed council has New Zealand Dollar (NZD) \$60M invested in its externally managed fund portfolio.

Of this NZD60M, the equivalent of NZD5.2M is invested in 3 managed funds that are denominated in Australian dollars.

It is proposed that council establish an Australian currency bank account to minimise its foreign exchange conversion fees, and its exposure to foreign exchange losses, when converting transfers between the 3 Australian dollar denominated fund managers into NZD.

In accordance with the Treasury management policy, Council has the responsibility to authorise the opening and closing of all bank accounts. As ASB currently provide councils transactional banking facilities for NZD transactions, it is recommended that the Australian currency bank account is established with the ASB.

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**Recommendations / Ngā mahi tūtohutia**

1. That the report 'Approval to open an Australian currency bank account with ASB' by Simon Crabb, Finance Manager and dated 29 October 2019, be received.
2. That an Australian currency bank account is opened with ASB Bank Limited

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**Considerations**

**1. Options**

No.	Option	Advantages	Disadvantages
1	Open an Australian dollar currency bank account with ASB.	Minimise foreign exchange conversion fees, and the exposure to foreign exchange losses when transferring investments between Australian dollar denominated fund managers.	No material disadvantage.
2	Do not open an Australian dollar currency bank account with ASB	No material advantage.	Incur foreign exchange conversion fees, and potentially exposure to foreign exchange losses, when transferring investments between Australian dollar denominated fund managers

The staff's recommended option is 1.

**2. Significance and engagement**

In relation to section 79 of the Local Government Act 2002, this decision is considered to be of low significance because it is part of council's day-to-day activities and is in accordance with the approved Treasury Management Policy.

**3. Policy, risk management and legislative compliance**

The activities detailed in this report are in accordance with council's Treasury Management Policy, and the 2018–28 Long Term Plan, both of which were approved in accordance with council's decision-making requirements of sections 76–82 of the Local Government Act 2002. The activities detailed in this report are also in accordance with council's Operating Costs Reserve Policy

**4. Financial Implications**

A foreign currency bank account will reduce losses associated with an adverse movement in the Australian:New Zealand (AUD:NZD) exchange rate between the date council receives monies from one Australian denominated fund manager and the date of reinvestment into another fund manager (which could be in either New Zealand dollars or Australian dollars). That is, Council will receive funds in Australian dollars and then will need to decide where to reallocate the funds. By having an Australian dollar bank account it will mean: (1) there is no requirement to convert to NZ dollars upon receipt; (2) there is no requirement to convert back to Australian dollars upon payment if it is decided the funds should be reallocated to an Australian dollar fund manager ; (3) there is no time pressure to make a reinvestment decision to avoid an adverse AUD:NZ exchange rate and (4) there will be no unnecessary foreign exchange transaction costs to pay.

At the time of writing, an Australian currency bank account has an interest rate of 0.00% per annum (i.e. no interest is payable to council by the bank). The comparable rate applicable to councils standard NZD transactional bank account is 0.25% per annum. It should be noted that council only holds its 30 day cashflow requirement with the ASB bank. All other working capital is held in a Managed Fund that has earned 3.9% per annum for the 12 months to 30 September 2019.

**5. Implementation Issues**

Councils ASB banking relationship manager will open the Australian currency bank account upon completion of the necessary paperwork - approximately 1 working day. There are no additional transactional costs for having an Australian currency bank account, but council will avoid having to pay for unnecessary foreign exchange transaction costs.

Being a purely administrative matter, Community Views and Māori Impact Statement are not applicable.

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**Authorised by Group Manager**

**Name:** Dave Tams  
**Title:** Group Manager, Corporate Excellence  
**Date:** 12 November 2019

**TITLE:** Financial Report to 31 October 2019

**ID:** A1256762

**From:** Vincent McColl, Financial Accountant

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### Executive Summary / Whakarāpopototanga

This report is to inform council of the year to date (YTD) financial result to October 2019. Council has achieved a YTD surplus after transfers to and from reserves of \$3.18M, which is \$325K favourable to budget.

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### Recommendation / Ngā mahi tūtohutia

That the report 'Financial Report to 31 October 2019' by Vincent McColl, Financial Accountant and dated 5 November 2019, be received.

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### Report

<b>SUMMARY OPERATING RESULTS</b>			
	<b>000's ACTUAL YTD</b>	<b>000's BUDGET YTD</b>	<b>000's VARIANCE YTD</b>
Revenue (including other gains)	\$ 19,253	\$ 18,528	\$ 726
Expenditure	\$ 14,128	\$ 15,142	\$ 1,014
<b>NET (COST)/SURPLUS BEFORE TRANSFERS FROM/(TO) RESERVES</b>	<b>\$ 5,126</b>	<b>\$ 3,386</b>	<b>\$ 1,740</b>
Transfer From (To) Special Reserves	\$ (1,947)	\$ (532)	\$ (1,415)
<b>NET (COST)/SURPLUS AFTER TRANSFERS FROM/(TO) RESERVES</b>	<b>\$ 3,178</b>	<b>\$ 2,854</b>	<b>\$ 325</b>

**Revenue**

Year to date revenue is \$19.3M, which is \$726K or 3.9% above budget.

YTD REVENUE VARIANCE INDICATORS BY REVENUE TYPE			
	FAV / (UNFAV)		Commentary
	\$	%	
Rates	\$39,089	0.4%	
User Fees and Sundry	\$167,070	7.1%	<ul style="list-style-type: none"> <li>Higher than budgeted consent management fees of \$112K</li> <li>Unbudgeted prosecution income of \$100K</li> </ul> Partially offset by: <ul style="list-style-type: none"> <li>Lower than budgeted bus fare box revenue of \$67K</li> </ul>
Grants and Subsidies	(\$570,870)	(24.7%)	<ul style="list-style-type: none"> <li>Lower than budgeted FIF subsidies of \$237K offset by lower than budgeted expenditure</li> <li>Lower than budgeted Water Storage project subsidies of \$252K offset with lower than budgeted expenditure</li> <li>Lower than budgeted SHARP subsidies of \$182K offset with lower than budgeted expenditure</li> </ul> Partially offset by: <ul style="list-style-type: none"> <li>Unbudgeted subsidies for the Stop Wild Ginger project of \$40K offsetting unbudgeted costs</li> </ul>
Investment Interest Income	\$933	1.0%	
Investment Property Income	(\$9,048)	(1.0%)	
Dividend Income	\$0	0.0%	
Short Term Fund Gains	\$33,900	81.6%	<ul style="list-style-type: none"> <li>Actual September YTD returns as per Eriksens Global of 0.6% (2.4% annually) are lower than the budgeted 1.19% (4.75% annually). Gains here remain greater than budgeted because the Short Term Fund has a higher balance than budgeted.</li> </ul>
Property Reinvestment Fund Gains	\$401,846	243.6%	<ul style="list-style-type: none"> <li>Actual September YTD returns of 3.0% (12.0% annually) are higher than the budgeted 1.34% (5.36% annually).</li> </ul>
Infrastructure Investment Fund Gains	\$358,529	101.9%	<ul style="list-style-type: none"> <li>Actual September YTD returns of 2.9% (11.6% annually) are higher than the budgeted 1.31% (5.23% annually)</li> </ul>
Community Investment Fund Gains	\$304,305	111.4%	<ul style="list-style-type: none"> <li>Actual September YTD returns of 3.7% (14.8% annually) are higher than the budgeted 1.34% (5.37% annually).</li> </ul>
<b>Total</b>	<b>\$725,754</b>	<b>3.9%</b>	

### Expenditure

Year to date expenditure is \$14.1M, which is \$1.0M or 6.7% below budget.

YTD EXPENDITURE VARIANCE INDICATORS BY COUNCIL ACTIVITY			
	FAV / (UNFAV)		Commentary
	\$	%	
Regulatory Services	\$138,841	6.5%	• Lower than budgeted salary costs within this group and other accumulated small variances
Environmental Services	\$291,542	7.9%	• Lower than budgeted FIF project expenditure of \$239K offset by lower than budgeted income and reserve movements • Lower than budgeted SHARP expenditure of \$182K offset by lower than budgeted income Partially offset by: • Unbudgeted expenditure on the Stop Wild Ginger project of \$40K offset with unbudgeted income
Governance and Engagement	\$363,860	13.5%	• Lower than budgeted Water Storage project expenditure of \$185K offset by lower than budgeted income • Lower than budgeted economic development grants of \$100K offset with lower than budgeted transfers from the Investment and Growth Reserve. This relates to the Kawakawa Hundertwasser project.
Customer Service and Community Resilience	\$111,291	4.3%	• Accumulated small variances within this group
Corporate Excellence	(\$48,600)	(2.1%)	• IT expenditure greater than budgeted of \$70K Partially offset by: • Accumulated small expenditure variances across this group
CEO Office	\$157,049	9.3%	• Lower than budgeted operational expenditure on the Kensington Redevelopment project of \$85K • Lower labour charged via timesheeting to the CEO department than budgeted of \$88K
<b>Total</b>	<b>\$1,013,983</b>	<b>6.7%</b>	

Note that across council there is a \$319K favourable salaries variance predominantly due to delays in the recruitment of positions identified in the LTP and AP and the time to fill vacancies. Some of these have associated external funding.

### Transfers to reserves

For the year to date there has been a net transfer **to** reserves of \$1.95M compared to a budgeted net transfer **to** reserves of \$532K. This is predominantly due to:

- \$1.07M higher than budgeted transfers to externally managed fund reserves representing reinvestment of gains above budgeted levels.
- \$121K lower than budgeted transfers from the Investment and Growth Reserve due to economic development grants not occurring as budgeted.
- \$101K higher than budgeted transfers to the Whangarei and Far North bus reserves due to higher NZTA subsidies than budgeted.

### Capital Expenditure

Actual capital expenditure year to date of \$1.46M is \$207K lower than budgeted capital expenditure of \$1.67M. At this stage there are no anticipated major variances to the \$4.70M full year budgeted plan of work.

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### Authorised by Group Manager

**Name:** Dave Tams  
**Title:** Group Manager, Corporate Excellence  
**Date:** 07 November 2019

**TITLE: Confirmation of Governance Structure, Membership and Councillor Portfolios**

**ID:** A1257598

**From:** Chris Taylor, Governance Support Manager and Linda Harrison, Organisational Project Manager

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**Executive Summary / Whakarāpopotanga**

This document acts as a 'placeholder' for the report 'Confirmation of Governance Structure, Membership and Councillor Portfolios' which was unable to be completed in time for the circulation of the main agenda due to the need for council to workshop the matter further on 13 November 2019.

The report will be sent out to members under separate cover.

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**Authorised by Group Manager**

**Name:** Jonathan Gibbard

**Title:** Group Manager - Strategy, Governance and Engagement

**Date:** 13 November 2019

**TITLE: Meeting Dates for the remainder of 2019**

**ID:** A1256388

**From:** Chris Taylor, Governance Support Manager

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**Executive Summary / Whakarāpopototanga**

The purpose of this report is to present for council consideration and approval a schedule of key meeting dates. It concludes with the recommendation that council resolves to hold the meetings as detailed in the report.

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**Recommendations / Ngā mahi tūtohutia**

1. That the report 'Meeting Dates for the remainder of 2019' by Chris Taylor, Governance Support Manager and dated 4 November 2019, be received.
2. That the programme of meetings for the remainder of 2019 be adopted.

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**Background / Tuhinga**

The meeting calendar (included as **Attachment 1**) for the remainder of 2019 is based on the council's agreed commitment to conduct council meetings on the third Tuesday of the month and, in general; Tuesdays and Wednesdays being the preferred days to conduct council business. Please note that council is being requested to approve two dates, being a Monday, to allow its subordinate bodies to meet prior to the end of the year; given the high workload during the new council induction period.

Furthermore, when the council has confirmed its governance structure the meeting calendar will be updated to include all of its subordinate bodies and brought back to council for ratification.

It is important to note that the meetings schedule is a fluid document, with the flexibility to change, add and delete meetings as required to ensure maximum efficiency.

Councillors will be informed in advance of changes to the calendar, with as much notice as is possible.

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**Considerations**

**1. Options**

No.	Option	Advantages	Disadvantages
1	Approve the meeting calendar for the remainder of 2019	Councillors have a schedule to work to and are able to plan their commitments well in advance.  Having a schedule in place manages the expectations of the public, council officers and other interested parties.	None apparent.
2	Do not approve the meeting calendar for the remainder of 2019.	None apparent	Neither councillors nor council officers have a schedule of meetings to work to.

The staff's recommended option is Option 1

**2. Significance and engagement**

This is a purely administrative matter and part of the day to day operations of council; hence deemed to be of low significance.

**3. Policy, risk management and legislative compliance**

The Local Government Act 2002, Schedule 7, Clause 19, refers to the calling of meetings, and requires that a 'local authority must hold the meetings that are necessary for the good government of its region or district'.

**Further considerations**

This is a purely administrative matter; hence Community views, Maori impact statement, Financial implications and Implementation issues are not applicable.

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**Attachments/Ngā tapirihanga**

Attachment 1: Meeting Calendar for the remainder of 2019 [↓](#) 

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**Authorised by Group Manager**

**Name:** Jonathan Gibbard  
**Title:** Group Manager - Strategy, Governance and Engagement  
**Date:** 06 November 2019

<b>Date</b>	<b>Fixture</b>
Tuesday 20 November 2019	Council Workshop
Monday 25 November 2019	Civil Defence Emergency Management Meeting Subcommittee and Working Party meetings
Tuesday 26 November 2019	Council Workshop
Tuesday 27 November 2019	Council Workshop
Monday 2 December 2019	Regional Transport Committee Meeting Subcommittee and Working Party meetings
Tuesday 3 December 2019	Council Workshop
Wednesday 4 December 2019	Council Workshop
Monday 9 December 2019	Northland Forward Together Strategic Planning Workshop
Tuesday 10 December 2019	Council Workshop
Wednesday 11 December 2019	Council Workshop
Tuesday 17 December 2019	Council Meeting

*Note: For completeness this includes council workshops which are not open to the public*

**TITLE: Retrospective approval for council submissions**

**ID:** A1256675

**From:** Justin Murfitt, Strategic Policy Specialist

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**Executive Summary / Whakarāpopototanga**

This report seeks retrospective approval for submissions lodged on behalf of council under authority delegated to the Chief Executive during the lead up to the local government elections. The submissions lodged under delegated authority during this period are attached.

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**Recommendations / Ngā mahi tūtohutia**

1. That the report 'Retrospective approval for council submissions ' by Justin Murfitt, Strategic Policy Specialist and dated 5 November 2019, be received.
2. That council retrospectively approve the submissions attached to this item.

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**Background / Tuhinga**

The Government embarked on a number of consultations that coincided with the lead up to local government elections. This meant council could not consider and approve draft submissions on these matters in a formal meeting prior to them being lodged. In light of this timing issue, council delegated authority to the Chief Executive Officer to approve draft submissions on council's behalf during this period at its meeting of 17 September 2019.

This resolution required that the draft submissions be circulated to elected members for comment prior to lodgement and that the final submissions will be provided to council for approval at its next meeting. This item fulfils the latter requirement. The relevant submissions lodged under delegated authority and requiring retrospective approval are submissions on:

- The Proposed National Policy Statement for Highly Productive Land
- The Action for healthy waterways
- The National Policy Statement for Urban Development
- Product stewardship (priority products)
- Hazardous substances – review of the reassessment process.

These submissions are attached (Attachment 1-5).

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**Considerations**

Options

No.	Option	Advantages	Disadvantages
1	Council does not provide retrospective approval	None	Submissions lodged would not have the endorsement of council
2	Council provides retrospective approval	The submissions lodged have the endorsement of council.	None

The staff's recommended option is Option 2.

## 2. Significance and engagement

In relation to section 79 of the Local Government Act 2002, this decision is considered to be of low significance when assessed against council's significance and engagement policy because it is part of council's day to day activities. This does not mean that this matter is not of significance to tangata whenua and/or individual communities, but that council is able to make decisions relating to this matter without undertaking further consultation or engagement.

## 3. Policy, risk management and legislative compliance

The decision is consistent with policy and legislative requirements.

### Further considerations

Being a purely administrative matter, Community Views, Māori Impact Statement, Financial Implications and Implementation Issues are not applicable.

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### Attachments/Ngā tapirihanga

Attachment 1: NRC Submission - NPS Highly Productive Land (October 2019) [↓](#) 

Attachment 2: NRC Submission - Action for Healthy Waterways (October 2019) [↓](#) 

Attachment 3: NRC Submission - NPS Urban Development (October 2019) [↓](#) 

Attachment 4: NRC Submission - Priority Products Discussion Document (October 2019) [↓](#) 

Attachment 5: NRC Submission - HSNO Review of Assessment Process (September 2019) [↓](#) 

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### Authorised by Group Manager

**Name:** Jonathan Gibbard

**Title:** Group Manager - Strategy, Governance and Engagement

**Date:** 13 November 2019



## Submission

**To:** Ministry for Primary Industries  
[soils@mpi.govt.nz](mailto:soils@mpi.govt.nz)

**By:** Northland Regional Council

**On:** Proposed National Policy Statement for Highly Productive Land (October 2019)

### Introduction

The Northland Regional Council (council) is grateful for the opportunity to comment on the proposed National Policy Statement for Highly Productive Land (NPS-HPL). This submission is made in the interests of promoting a sustainable environment and economy in Northland and with council's statutory functions and roles under the Resource Management Act 1991, Local Government Act 2002 and other relevant legislation in mind.

### Background

Northland has a comparatively small proportion of high quality productive soils (about 10% by area is classed as 1, 2 or 3 under the Land Resource Inventory), which in several cases has been the historical focus of settlements (e.g. Kerikeri and parts of Whangārei). This association is logical in that such settlements were established in proximity to good soils for primary production purposes. However, there are instances where these settlements have since expanded onto highly productive land (HPL) and resulted in both loss of primary production capacity and reverse sensitivity effects. For example, in Northland only 7% of lifestyle blocks are on high-class land (LUC 1, 2 and free-draining and/or flood-free Class 3 land), but this amounts to 28% of all such land in the region (based on 2011 data). If this rate of subdivision was to continue (1.67% per year), all of Northland's LUC 1-3 land will be subdivided in 60 years<sup>1</sup>. In response, the Regional Policy Statement for Northland 2016 included provisions to manage these concerns (extract below):

#### ***Policy 5.1.1 Planned and coordinated development***

*Subdivision, use and development should be located, designed and built in a planned and coordinate manner which:*

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<sup>1</sup> Hart, G; Rutledge, D; Price R. (2013). Guidelines for monitoring land fragmentation: Review of knowledge, issues, policies, and monitoring. Landcare Research  
[https://www.landcareresearch.co.nz/\\_data/assets/pdf\\_file/0010/71938/Guidelines\\_monitoring\\_land\\_fragmentation\\_Oct\\_2013.pdf](https://www.landcareresearch.co.nz/_data/assets/pdf_file/0010/71938/Guidelines_monitoring_land_fragmentation_Oct_2013.pdf)

- ...
- e) should not result in incompatible land uses in close proximity and avoids the potential for reverse sensitivity;*
  - f) Ensures that plan changes and subdivision to / in a primary production zone do not materially reduce the potential for soil-based primary production on land with highly versatile soils [as defined], or if they do, the net public benefit exceeds the reduced potential for soil based primary production activities.*

Council has therefore previously recognised and responded to this issue, however we consider a national instrument in the form of a specific national policy statement would be beneficial given ongoing pressure for further lifestyle development and urban expansion. It has been our experience that the short term benefits of lifestyle development / urban expansion can be over-valued compared to longer term / ongoing socio-economic benefits of local primary production (which include food production, employment and social cohesion). Council also supports a strategic approach to identification and management of HPL that is likely to be driven by the NPS-HPL.

Council therefore supports the development of a National Policy Statement to manage the resource that is highly productive land. We do not consider amendment to the NPS Urban Development Capacity (NPS-UDC) will effectively address the problem given it is not always driven by urban expansion and noting that many of the current and recently proposed NPS-UD provisions only apply in specified areas. Nor do we see a new national environmental standard as appropriate given the need for some flexibility as to how to identify and protect highly productive land in each region.

### **Submission**

#### **Scope of the NPS-HPL**

1. We consider there should be some flexibility for councils to consider a broader view and take into account regional circumstances when identifying highly productive land. For these reasons we consider the NPS-HPL should focus on the productive potential of land rather than purely on 'elite soils' / specified soil types (E.g. class 1-3 soils). This is because in Northland some soils are not considered 'elite' but are highly productive for a range of primary production activities – an example is class 4 soils which are 'stony' but in many cases valuable for horticultural purposes. Another example is high producing grasslands which are not necessarily located on 'elite' soils, but can be highly productive for pastoral purposes and subject to potential effects of fragmentation, urban expansion and reverse sensitivity.
2. We do not think the NPS-HPL should refer to particular food production activities but should instead focus on land use planning (i.e. urban expansion, lifestyle development and reverse sensitivity) in relation to primary production in a broad sense. This would

ensure the policy direction is future proofed, provides for future productive capacity and is not unnecessarily restricted in scope to specific soils or types of food production. This is important given the likely innovation and potential change in production systems / products in the medium term (e.g. potential for new food / fibre crops such as hemp that may not rely on high quality soils or water availability but where contour / slope and parcel size will be important). In other words, it is the protection of the inherent versatility / productive capacity and viability of the land for production that is important.

3. Plantation forestry should not be included in the definition of primary production for the purposes of the NPS-HPL. We note the definition of primary production includes forestry while the 'default' definition of HPL includes land defined as Land Use Capability 1, 2 and 3 as mapped in the NZ Land Resource Inventory. This issue suggests some clarification of the scope is needed – for example is it solely about the capacity of land for cropping (as indicated by the emphasis on class 1, 2 and 3 soils) or is the intent broader and intended to also protect the potential for plantation forestry and / or pastoral use as well?
4. In our experience, forestry tends to be less at risk from encroachment by lifestyle development, urban expansion or fragmentation and has far more flexibility as to where it is located in terms of land type / quality / contour. We accept forestry has historically tended to target cheaper and steeper land and typically avoided high quality soils / flat contour to date, however there is some potential for this to change if rewards for carbon sequestration increase significantly (e.g. the price of carbon increases dramatically with consequently higher returns for forestry under the Emissions Trading Scheme - ETS). This may incentivise land use change from food production (especially sheep and beef) to forestry on 'rolling country' and / or some areas of high producing grasslands. Given the ongoing obligations and the costs associated with 'buying-out' of forestry under the ETS, plantation forestry could effectively be 'locked-in' as a land use for the foreseeable future. To us it would confuse the issue if councils were expected to identify land that is highly productive for forestry purposes and it would also be perverse if forestry was enabled by the NPS to locate on HPL.
5. It would also be prudent in our view to provide scope in the NPS to control land use change from cropping / food production to forestry on HPL. We acknowledge this is likely to require an amendment to the NES for Plantation Forestry to provide discretion to councils to control afforestation on HPL. Plantation forestry should be removed from the definition of primary production for the purposes of the NPS-HPL (or otherwise amending the scope) on the grounds that forestry is less 'at risk' from the issues sought to be addressed by the NPS-HPL and has a far greater range of options in terms of land suitability / location.

6. We agree that water availability should not be included as a mandatory factor in the identification of highly productive land for the purposes of the NPS-HPL given this can change over time as a result of investment in water storage and / or as freshwater is allocated – it is also inherently complex. For similar reasons water quality constraints should not be a factor in the identification of HPL or within scope of the NPS as this can also change as land uses change. We do however, support being able to *consider* these two factors (among others).
7. While we recognise the issues the NPS-HPL is seeking to address may be more pressing in some areas, we do not consider the NPS-HPL should be targeted at specific regions – this is because it is difficult to predict future land use changes / future growth pressures and in principle, highly productive land should be protected from urban/lifestyle development for future generations regardless of location (unless strategic assessment demonstrates another use is appropriate). Some may argue that a number of regions have such small quantum of ‘versatile / elite’ soils that the NPS-HPL is of limited value, however, this suggests to us that limiting further loss becomes even more crucial. There is also a possibility for pressures to cross jurisdictional boundaries – for example restrictions on lifestyle development in one jurisdiction may lead to urban / lifestyle development pressure on HPL in another adjacent jurisdiction. We therefore consider the NPS-HPL should apply nation-wide.
8. We agree that current and future urban areas identified (either in district plans or strategic planning documents) should be excluded from the NPS-HPL – this is on the basis that it would undermine previous strategic assessments and potentially investment in infrastructure. We would also recommend existing designations also be excluded on the same rationale.

#### **Objectives**

9. The objectives appear to relate well to both the outcome sought and problem statement expressed in the discussion document. We note that Objective 1 uses the same directive terminology as Section 6 of the Resource Management Act 1991 for matters of national importance, which we support. In relation to Objective 2, we suggest replacing the term ‘availability’ with ‘viability’ on the basis that the land may be ‘available’ but due to fragmentation / lot size or potential for reverse sensitivity it is not ‘viable’ for primary production. The term ‘viable’ if used (or a similar alternative) would also benefit from a specific definition in the NPS-HPL as this will likely be the focus of much of the debate with communities / stakeholders.

10. Objective 3 is supported but we suggest deleting the term ‘uncoordinated’ from the second clause (bullet point 2) on the basis that it adds nothing, is unnecessary and lacks certainty, the main point being any urban expansion into HPL has been assessed through a strategic planning process. We also recommend either clarifying what is meant by ‘a strategic planning process’ or deleting and instead requiring urban expansion to meet the tests in Policies 3, 6 and 7 – many private plan changes to district plans may argue a strategic approach has been applied. The second bullet point in Objective 3 could be amended to reference Policy 3(b) or a definition of ‘strategic planning process’ be added that refers to Policy 3(b) to achieve the clarity / certainty required. We also note there may be land uses which compromise the productive capacity of HPL – forestry is the primary example that comes to mind, especially if essentially locked in as a land use under the ETS. We recommend adding additional wording to the first bullet point of Objective 3 as follows: “avoiding subdivision, land use and land fragmentation that compromise the use of highly productive land for primary production.”

#### **Policy 1**

11. We support the requirement in Policy 1.1 for regional councils to identify HPL on maps in regional policy statements on the basis this provides a consistent approach across districts within a region and is more efficient as it avoids procedural duplication by district councils within a region. It will also provide *some* immunity from ad-hoc private plan changes (noting district plan maps can be subject to private plan changes). We also support the directive in Policy 1.2 that requires the maps be incorporated into district plans, however the Ministry should allow some flexibility for changes at district plan level provided the same methodology / criteria are used to justify such changes (e.g. Appendix A criteria and / or Policy 3(b) tests) – this is because in our experience mapping at a regional scale (especially on the basis of Land Use Capability scale of 1:50,000) can lead to resolution issues and inevitably there will be areas erroneously omitted or included despite the quality check provided by the Schedule 1 RMA consultation / submission process. We also note that changing maps in a regional policy statement is a cumbersome process to address minor local mapping errors and it is more efficient to address these at a district level. However, there is some risk that district plan maps will attract private plan changes but the tests in Policies 3, 6 and 7 should ensure the strategic assessment and cost / benefit has been undertaken.
12. For both Policy 1.1 and Policy 1.2 we support use of the Schedule 1 RMA process for amending both Regional Policy Statement and district plan to include maps of HPL given there is likely to be a wide range of interests at stake. We do not consider Section 55 is appropriate for this purpose.

## **Appendix A**

13. We consider including criteria for identification of HPL in an Appendix is essential so there is national consistency in the factors considered. We recommend more clarity / specificity be provided in the mandatory criteria for identifying HPL. The factors we consider should also be mandatory considerations are: The capacity and versatility of the land for primary production in terms of:
- soil type
  - contour/slope
  - current and historical land use(s) including any current lawfully established activities that are incompatible with primary production and likely to result in land use conflicts / reverse sensitivity effects
  - the underlying parcel size and cadastral pattern of land, including any designations or underlying ownership issues that may constrain the viability of primary production (e.g. recreation reserves / Crown land etc)
  - the size of each area of HPL in terms of its viability for primary production; and
  - constraints due to contaminated soils or flood hazards.
14. We support the 'optional' criteria (a-f) and seek that these remain optional given the complexity they bring to the mapping exercise. We also support the exclusion of urban areas and land identified as future urban zones – as noted above we'd suggest adding designations for completeness.
15. We support the concept of a default definition of HPL based on LUC classification until regional councils have mapped it in their Regional Policy Statement – this will ensure subdivision and development proposals in default HPL areas are tested (i.e. policies 3, 6 and 7 should apply to such proposals) and limit further loss in the interim.
16. We do not support a tiered approach to protecting HPL (i.e. a higher level of protection for class 1 and 2 soils compared with class 3 soils) because this adds complexity and makes assumptions about future production requirements. Nor do we support a minimum size criterion for a 'unit' of HPL as this would be problematic if set at a national scale and should be left to the discretion of councils as 'economic viability' will vary with local circumstances / production patterns.

## **Policy 2**

17. As noted above, we recommend replacing 'availability' with 'viability' for primary production'. The prioritisation of HPL land for primary production is supported because this will limit the loss of such land to other land uses that are less well matched with the capacity of the land – while there will likely be some impact on private property rights, subdivision in particular is already constrained to some degree in rural zones. Clause b)

seems to suggest some areas of HPL should have greater protection than others based on current economic / social benefits. This will tend to reflect current land use rather than the versatility or potential of the area of HPL. For example, an under-utilised area of class 1 soils would receive less protection than an intensively cropped area of class 3 soils. We suggest this clause be removed and the discretion left to councils to determine.

18. There is inevitably tension between the urban growth agenda and the intent of the NPS-HPL the magnitude of which will vary across regions. We consider this needs to be resolved case by case given the values / needs will vary case by case. Policies 3, 6 and 7 appear to be an adequate basis to test decisions against, although we note cost / benefit assessments can place greater weight on short term costs and benefits than the long term and can under-value finite resources such as soils.

**Policy 3**

19. Policy 3 is generally supported and provides a reasonable gateway test for urban expansion onto HPL. However, it could be strengthened by adding a clause to b) with the effect: “the extent to which the urban expansion would reduce the total area of HPL in the district and the potential to exacerbate reverse sensitivity effects on adjacent HPL.”

**Policy 4**

20. Clause c) should not be limited to rural lifestyle development and instead should be broadened to include all “incompatible land uses” that could potentially compromise HPL. We do not see the need for Clause b) – the decision to incentivise or otherwise should be a matter left for each council to consider and is often better delivered through means other than the RMA (such as rating or development contributions policy). We do not agree with minimum lot sizes for subdivision being set in the NPS-HPL – this again is better left for councils to decide considering the circumstances that apply in their jurisdictions. Also the different forms of primary production have different requirements (i.e. horticulture / vegetable growing can be undertaken on relatively small lots while other cropping or pastoral use generally requires larger parcel size).

**Policy 5**

21. Policy 5 addresses the most obvious concerns related to reverse sensitivity and is supported, although we doubt the requirement in Clause a) to identify effects associated with primary production in district plans is of much merit or necessary – these effects will also vary widely with land use and potentially change over time. We would not like to see this consideration of proposals in HPL limited by plan content that does provide scope to address all reverse sensitivity effects. The main issue is that reverse sensitivity

effects on HPL (whatever form they may take) are considered in consent / plan change decisions.

#### **Policies 6 and 7**

22. Policies 6 and 7 are supported, particularly the requirement for resource consent applications for urban expansion / subdivision on HPL to include a site-specific Land Use Capability Assessment by a suitably qualified expert. Again, an assessment of the proportion of the total HPL in the district affected by the proposal should be a consideration.

#### **Interpretation**

23. The definition of HPL is logical except that Clause b) is overly precautionary and will be problematic to apply given the resolution of LUC mapping is not applicable at a property scale down to 4ha. We consider a threshold of 10ha is probably the minimum scale we could define soil class with any accuracy (even that will be challenging). We'd suggest an interim definition could be: "any contiguous area of 10ha or more of Class 1, 2 or 3 soils or combination thereof". It is unclear how the interim definition would be applied to proposals – we assume policies 3, 6 and 7 would then apply to relevant resource consents / plan changes within such areas, but existing plan provisions may provide for large lot subdivision and / or land use change but not enable discretion for councils to apply adequate controls. This will require some thought if an interim approach is to be applied.
24. As noted above, we see some potential issues / perverse outcomes if the definition of primary production includes plantation forestry. We do not see the need to identify HPL for the benefit of forestry and in fact a perverse outcome could arise whereby forestry is enabled on HPL that would be better used for food / cropping or pastoral use. We recommend it be deleted from the definition of primary production for the purposes of the NPS-HPL.
25. We recommend definitions align as far as possible with those used in National Planning Standards. If the term 'strategic planning process' is retained in Objective 3, we recommend adding a definition for reasons of clarity and certainty. Our preference however would be to delete it and instead refer to the tests in Policies 3, 6 and 7.

#### **Potential conflict / tension with essential freshwater**

26. The new National Policy Statement for Freshwater Management (proposed NPS-FM) and new National Environmental Standard for Freshwater (proposed NES) as proposed, will affect people wanting to convert land to horticulture, vegetable cropping and / or intensification generally. The proposed NES contains standards (national rules) for

intensification of land use, which will apply where the NPS requirements have not been fully implemented. Standard 34(2) of the NES states that any increase in the amount of land used on a farm (which includes horticultural farming) for irrigated production is a discretionary activity if the increase since the commencement date of the NES is more than 10 hectares. If a consent is granted by a regional council it must specify as a condition of the consent that the nitrogen, phosphorus, sediment, or microbial pathogen losses from the farm will not exceed the average existing losses from the farm during the farm year 2017/2018. Standard 35(1) permits land use change to horticulture and commercial vegetable production provided the area of land for the purpose does not exceed the greatest total amount used for vegetable growing in any one farm year between 2013 and 2018. Otherwise the land use change will be a discretionary activity with a requirement that the nitrogen, phosphorus, sediment, or microbial pathogen losses from the farm will not exceed the average existing losses from the farm during the farm year 2017/2018.

27. Further, the new NPS-FM will require regional councils to set target attribute states (i.e., numerical water quality objectives) that must be at or above the current state of each attribute (water quality parameter, e.g., dissolved inorganic nitrogen, dissolved oxygen, water clarity, etc). Regional councils will also be required to set limits on resource use to achieve the target attribute states. This means that regional councils will be required to maintain water quality at its current state (as at the date the new NPS will come into force). In effect, this is likely to preclude (or at least make it very difficult) new uses and development of land that will result in increases contaminant losses to water. In effect, there is some risk that the NPS-FM and proposed NES will restrict land use changes to horticulture, other cropping or more intensive land uses – or at a minimum will create a good deal of uncertainty for those looking to undertake such land use changes. This will apply to HPL. This means while the NPS-HPL will protect HPL from ‘inappropriate’ subdivision, use and development, the NPS-FM and NES may have the effect of constraining ‘appropriate’ development of HPL (i.e. land use change to cropping, horticulture, irrigation and / or intensification of existing uses). The outcome of the NPS-FM and proposed NES is for HPL to be effectively ‘frozen in limbo’ with extremely limited opportunities for land owners to maximise the productive capacity of HPL or undertake alternative uses. This needs some serious thought and coordination across both Ministry for the Environment and Ministry for Primary Industries to resolve these strategic tensions. We strongly urge both ministries to work together to resolve the inherent tensions across these national instruments.

### **Conclusion**

We thank the Ministry for the opportunity to provide feedback on the proposal. The intent of the NPS-HPL and the policy direction signalled in the discussion document appear sound

and are generally supported subject to the specific comments provided above. We agree with the problem statement and consider that a national policy statement is the most appropriate response but highlight the very real tensions between the NPS-HPL and Proposed NPS-FM and proposed NES for freshwater.

A handwritten signature in black ink, appearing to read 'M Nicolson', with a large, stylized flourish above the name.

Malcolm Nicolson (CEO)  
On behalf of Northland Regional Council

Dated: 9 October 2019



## Submission

**To:** Ministry for the Environment  
<mailto:consultation.freshwater@mfe.govt.nz>

**By:** Northland Regional Council

**On:** Action for healthy waterways (October 2019)

### 1 Introduction

Northland Regional Council (NRC) is grateful for the opportunity to comment on the Essential Freshwater Reform package as set out in the discussion document *Action for Healthy Waterways* and the accompanying Draft National Policy Statement for Freshwater Management, Draft Stock Exclusion Section 360 Regulations, and Proposed National Environmental Standards for Freshwater (Essential Freshwater Proposals). NRC's submission is made in the interest of promoting the sustainable management of Northland's natural and physical resources and the social, economic, and cultural wellbeing of its people and communities.

### 2 Executive Summary

Northlanders are proud of the region's beauty, bounty and rich cultural heritage. Life in the North centres around access to water and its many uses and values, which as we all know are affected by its state.

NRC understands the critical importance, indeed requirement, of sustainably managing fresh and coastal waters. It is part of our mission, which is "working together to create a healthy environment, strong economy and resilient communities."

NRC also understands that the management of fresh and coastal waters is complex. The state of water is inherently a function of use and development of land – and in many cases is a legacy of decisions made generations ago – for social, economic and cultural reasons. Coming up with and implementing remedies are not straightforward tasks, and in many cases are uncomfortable and controversial.

NRC supports Government's objectives to (1) stop further degradation of New Zealand's freshwater resources and start making improvements so that water quality is materially improving within five years, and (2) reverse past damage to bring New Zealand's freshwater resources, waterways and ecosystems to a healthy state within a generation.

While they are noble objectives, the proposed remedies to deliver them need to be based on robust evidence and credible regard to social and economic cost (including future opportunity costs). Remedies also need to include non-regulatory initiatives delivered at pace and scale. New Zealand's governments have significantly underinvested in maintaining and improving the environment. This needs to change because a heavy reliance on regulation to deliver water quality improvements is unlikely to be sustainable or successful – we need to empower and incentivise people and their communities to implement changes.

Remedies must be affordable and implementable. And, in the Government's words regarding a path to a low emissions economy, they must provide for a "just transition – one that is fair, equitable and inclusive."

NRC considers that the Government's Essential Freshwater Proposals fails in these regards because:

1. Insufficient regard has been given to social, cultural and economic costs, i.e., the regulatory impact analysis is inadequate;
2. The evidential basis for several of the proposals is substandard,
3. There is much uncertainty about how many of the proposals will be implemented;
4. There is a lack of capacity and capability to deliver many of the proposals within the proposed timeframes; and
5. The Governments budgetary commitment to facilitating a just transition is insufficient.

NRC is disappointed that the Minister for the Environment has not prepared or published an evaluation report of the proposals, which is required by section 32 of the RMA. Section 32 analyses are critical for underpinning and transparently demonstrating that the proposals are the most appropriate way to achieve the purpose of the RMA. That is, an evaluation report is required and must:

- Examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the Act; and
- Examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by:
  - identifying other reasonably practicable options for achieving the objectives; and
  - assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
  - summarising the reasons for deciding on the provisions; and
- contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

The proposals will have significant environmental, economic, social, and cultural effects. A section 32 analysis is required and must, in our opinion, be highly detailed, robust and be subject to the scrutiny of councils and communities. The section 32 evaluation report must be made available to the public along with an opportunity to provide feedback on the report prior to the Minister deciding on whether to recommend the policy statement to the Governor-General.

The evidential base for some of the new requirements in the Draft NPS-FM is found wanting (e.g., the attributes for dissolved inorganic nitrogen and dissolved reactive phosphorus). The Interim Regulatory Impact Analysis cannot be relied upon to underpin many of the proposals because it does not contain a thorough analysis of their benefits and costs (e.g., the opportunity costs of maintaining all attributes at their current state).

Regional councils have endeavoured to implement the National Policy Statement for Freshwater Management since its enactment in 2011. However, successive amendments (2014 and 2017) have resulted in implementation uncertainty and delays. The Draft National Policy Statement for Freshwater Management (Draft NPS-FM), the Draft Stock Exclusion Section 360 Regulations (Draft SER), the Proposed National Environmental Standards for Freshwater (Proposed NES-FM) contains design and implementation flaws, which, if not addressed, will result in more uncertainty and delays.

The timeframes for implementing many of the proposals are unrealistic, even with a significant increase in capacity and capability (e.g., the requirement to exclude livestock from all "natural wetlands" regardless of size by 2023, and the requirement for every farm in the country to have a certified farm plan by 31

December 2025). The unrealistic timelines coupled with the expectations for regional councils to “engage at every stage of the process” are likely to dilute councils’ ability to meaningfully engage with tangata whenua and the wider community when developing plans.

The Draft NPS contains unnecessary policy direction (e.g., a requirement to develop a “long-term vision” in a regional policy statement), which will divert time and resources from more meaningful action (i.e., setting target attribute states, limits and ultimately implementing on-the-ground actions).

There is a lack of capability and capacity to robustly implement some of the proposals within the prescribed timeframes (e.g., preparing certified freshwater modules of farm plans).

NRC’s detailed submission on the Draft NPS-FM, Proposed NES-FM and Draft SER is set out in section 3 below, followed by brief comments on the proposals for supporting the delivery of safe drinking water and better managing stormwater and wastewater (section 4).

NRC hopes the Minister will have meaningful regard to our submission in the interests of the Northlanders we represent and the environment in which they live and depend on.

**3 Detailed Submission on the Draft NPS-FM, Proposed NES-FM and Draft SER**

Provision	Comment	Relief sought
<b>Draft National Policy Statement for Freshwater Management</b>		
<i>Part 1: Preliminary provisions</i>		
Clause 1.5	<p>Te Mana o te Wai has been “clarified and strengthened” in the draft NPS-FM. It is described as a set of principles, a hierarchy of obligations, with five underpinning components. Objective 2.1 of the draft NPS-FM, which codifies the hierarchy of Te Mana o te Wai, states:</p> <p style="padding-left: 40px;"><i>The objective of this National Policy Statement is to ensure that resources are managed in a way that prioritises:</i></p> <ul style="list-style-type: none"> <li><i>a) first, the health and wellbeing of waterbodies and freshwater ecosystems; and</i></li> <li><i>b) second, the essential health needs of people; and</i></li> <li><i>c) third, the ability of people and communities to provide for their social, economic, and cultural wellbeing, now and in the future.</i></li> </ul> <p>Clauses 3.2(2) states that “[e]very regional council must give effect to Te Mana o te Wai in implementing this National Policy Statement.” Clause 3.2(3) states that Te Mana o te Wai must inform the interpretation of: (a) the objectives and policies of this National Policy Statement; and (b) the objectives and policies required by this National Policy Statement to be included in local authority policies and plans. Clause 3.2 has other requirements specific to Te Mana o te Wai (We will return to clause 3.2 shortly.)</p> <p>On the face of it, the concept of Te Mana o te Wai as set out in the draft NPS-FM appears to be at odds with the purpose of the RMA (section 5). Section 45(1) of the RMA states that “[t]he purpose of national policy statements is to state objectives and policies of matters of national significance that are relevant to achieving the purpose of the Act. Section 5(2) states:</p>	<p>Clarify the relationship between Te Mana o te Wai and the purpose and principles of the RMA and undertake a thorough RMA s32 analysis of the costs and benefits of the proposal.</p> <p>Make the evaluation report available to people so that they can provide feedback to the Minister for his consideration prior to a recommendation under section 52 of the Act.</p>

Provision	Comment	Relief sought
	<p><i>...sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety <b>while</b> [i.e., “at the same time as”<sup>1</sup>] –</i></p> <p><i>(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and</i></p> <p><i>(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and</i></p> <p><i>(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment. [emphasis added]</i></p> <p>The Supreme Court has stated that:<sup>2</sup></p> <p><i>Section 5 sets out the core purpose of the RMA – the promotion of sustainable management of natural and physical resources. Sections 6, 7 and 8 supplement that by stating the particular obligations of those administering the RMA in relation to the various matters identified. As between ss 6 and 7, the stronger direction is given by s 6 – decision-makers “shall recognise and provide for” what are described as “matters of national importance”, whereas s 7 requires decision-makers to “have particular regard to” the specified matters. The matters set out in s 6 fall naturally within the concept of sustainable management in a New Zealand context. The requirement to “recognise and provide for” the specified matters as “matters of national importance” identifies the nature of the obligation that decision-makers have in relation to those matters when implementing the principle of sustainable management. The matters referred to in s 7 tend to be more abstract and more</i></p>	

<sup>1</sup> *Environmental Defence Society Inc v New Zealand King Salmon Company Limited* SC 82/2013 [2014] NZSC 38. Para 24.

<sup>2</sup> *Ibid*, paras 26-30.

Provision	Comment	Relief sought
	<p><i>evaluative than the matters set out in s 6. This may explain why the requirement in s 7 is to “have particular regard to” them (rather than being in similar terms to s 6).</i></p> <p><i>...the RMA envisages the formulation and promulgation of a cascade of planning documents, each intended, ultimately, to give effect to s 5, and to pt 2 more generally. These documents form an integral part of the legislative framework of the RMA and give substance to its purpose by identifying objectives, policies, methods and rules with increasing particularity both as to substantive content and locality.</i></p> <p>There is no reference to Te Mana o te Wai in the Act. We are concerned that the hierarchy of priorities in Te Mana o te Wai may be inconsistent with the purpose of the Act. That is, it is not clear how the hierarchy of obligations set out in Te Mana o te Wai is relevant to achieving the purpose of the Act.</p> <p>NRC is concerned because the requirement to “give effect to Te Mana o te Wai” may result in legal risks and associated costs to regional councils, particularly in instances where hapū, iwi, tangata whenua, or communities consider that Te Mana o te Wai has not been given effect to (see clause 3.2(3) and (4) in particular).</p> <p>This issue is identified in the Interim Regulatory Impact Analysis<sup>3</sup>. We also note that Government has not conducted a thorough impact assessment of this option and cannot determine the extent of the costs and benefits with certainty at this stage. This is troubling.</p> <p>It is also not clear how the proposed Te Mana o te Wai hierarchy “will have the desired effect of putting the health of water first” because the NPS-FM requires regional councils to set target attribute states at or above current water quality state and set environmental flows and levels to safeguard aquatic ecosystem health. That is, it appears unnecessary</p>	

<sup>3</sup> Interim Regulatory Impact Statement. Part II: Detailed Analysis. Page 197.

Provision	Comment	Relief sought
	<p>to require the health of water to be put first because of the requirements in the National Objectives Framework.</p> <p>Government should clarify the relationship between Te Mana o te Wai and the purpose and principles of the RMA and undertake a thorough analysis of the costs and benefits of the proposal.</p>	
<i>Part 2: Objectives and policies</i>		
Clauses 2.1 and 2.2	<p>Clause 2.1 sets out the sole objective of the Draft NPS (the Te Mana o te Wai hierarchy of obligations, i.e., resource management priorities). Policy 1 in clause 2.2 effectively duplicates the objective. As pointed out above, it is unclear how the hierarchy relates to the meaning of sustainable management as set out in section 5 of the RMA.</p>	<p>Clarify the relationship between Te Mana o te Wai and the purpose and principles of the RMA and undertake a thorough RMA s32 analysis of the costs and benefits of the proposal.</p> <p>Make the evaluation report available to people so that they can provide feedback to the Minister for his consideration prior to a recommendation under section 52 of the Act.</p>
Clause 2.2	<p>There appears to be inherent tension between Policy 13 and the objective of the draft NPS and Policy 1. Policy 13 states that “[c]ommunities are [to] be enabled to provide for their economic wellbeing while managing freshwater in a manner consistent with Te Mana o te Wai as required by the national objectives framework and other requirements of this National Policy Statement.”</p> <p>It may be difficult to enable some communities to provide for their economic wellbeing if their economic (and social and cultural wellbeing) is a lower priority than the health and wellbeing of freshwater ecosystems. This relates to the requirement in clause 3.9(2) to set target attribute states for all attributes except <i>E.coli</i>, at or above the current state of the</p>	<p>Undertake a robust RMA s32 analysis of the costs and benefits of Policy 13 (particularly opportunity costs) and make the evaluation report available to people so that they can provide feedback to the Minister for his consideration prior to a recommendation under section 52 of the Act.</p>

Provision	Comment	Relief sought
	<p>attribute, and to identify limits that achieve the target attribute states (i.e., in the parlance of the current version of the NPS-FM, avoid or phase out over-allocation).</p> <p>In effect, we consider that this will preclude any new uses of land and development that will cause any degradation beyond current state, even though 'ecological head-room' could exist and essentially means all waterbodies are 'over-allocated'. Unless, however, 'headroom' could be created, or a robust form of contaminant offsetting developed.</p> <p>Despite the desire for a more 'holistic' approach to freshwater management, the proposed framework is reductionist in that it focusses on maintaining or enhancing the current state of individual physical and chemical attributes rather than the state of the associated values.</p>	
<i>Part 3: Implementing objective and policies</i>		
General point	<p>It is not clear if the clauses of Part 3 are policies or "methods", "matters" or "directions"<sup>4</sup>, or if the only objective and policies are in Part 2 of the Draft NPS.</p> <p>In addition, subpart 2 ("national objectives framework") requires regional councils to, among other things, identify FMUs, primary contact sites and inland wetlands (clause 3.6) and current attribute states (clause 3.8), and set target attribute states (clause 3.9) and environmental flows and levels (clause 3.11).</p> <p>However, the clauses do not mention where they need to be identified or set (e.g., in regional plans). Whereas limits on resource use must be set as rules in regional plans. Is this deliberate or a drafting error? While seemingly implicit that they will be included in regional plans, in the interests of certainty it would be beneficial to clarify this.</p>	<p>Amend the Draft NPS by:</p> <ol style="list-style-type: none"> <li>1. Clarifying what clauses are objectives, policies, methods, requirements, matters, constraints or limits, or directions; and</li> <li>2. Specifying what things (e.g., target attribute states) must be included in regional plans.</li> </ol>

<sup>4</sup> See RMA s45A(1) and (2).

Provision	Comment	Relief sought
	<p>NRC is concerned about this, particularly because clause 4.1(2), which requires final decisions on changes to policy statements and plans that are necessary to give effect to the NPS, to be notified not later than 31 December 2025.</p>	
<p><i>Subpart 1 Approaches to implementing objective and policies</i></p>		
<p>Clause 3.2</p>	<p>NRC considers that clauses 3.2(5)-(8) should be deleted. They are not necessary; indeed, they will impose time-consuming, costly, and redundant processes. The requirements set out in the clauses will be distractions to identifying values, setting attribute targets, flows and levels, limits and action plans, etc.</p>	<p>Amend the Draft NPS by deleting clauses 3.2(5)-(8).</p>
<p>Clause 3.4</p>	<p>Clause 3.4(4) states that “local authorities that share jurisdiction over a catchment should co-operate in the integrated management of the effects of land use and development”. It is not clear if the intention is to capture territorial authorities (or just regional authorities). NRC assumes, based on a reading of the Interim Regulatory Impact Analysis, that it means both. NRC believes that if territorial authorities are the subject of the policy then it is likely to take time to determine responsibilities, which puts added pressure on NRC to implement the NPS in a time-efficient way. The policy will also result in more costs to councils.</p> <p>NRC is also concerned that clause 3.4 may result in overlap between regional councils and territorial authorities with respect to the management of the use of land for the purposes of maintaining and enhancing water quality and aquatic ecosystems. That said, we note that section 75(4) of the RMA states that a district plan must not be inconsistent with a regional plan for any matter specific in section 30(1).</p> <p>Clause 3.4(5) requires regional councils to insert a specific method into their regional policy statements that directs district councils to: “...include objectives, policies, and methods to avoid, remedy, or mitigate the cumulative adverse effects of land use on freshwater bodies, freshwater ecosystems, and sensitive receiving environments resulting from urban development.”</p>	<p>Amend the Draft NPS by:</p> <ol style="list-style-type: none"> <li>1. Providing clear direction on whether regional councils or district councils are responsible for managing the effects of land use on freshwater bodies, freshwater ecosystems, and sensitive receiving environments resulting from urban development; and</li> <li>2. Deleting clause 3.4(5).</li> </ol>

Provision	Comment	Relief sought
	<p>Clause 3.4(6) effectively duplicates clause 3.4(5) because it directs territorial authorities to include the same provisions in their plans. Notwithstanding the merits of such provisions, we consider that clause 3.4(5) is not necessary because national policy statements can state objectives, policies and methods that must be included in district plans.</p> <p>Also, integrated management needs to incorporate other large land owners. For example, in Northland the Department of Conservation administers a substantial proportion of high value waterbodies and wetlands. The Department has a role to play in identifying habitats of threatened species, and wetlands in the DoC estate.</p>	
<i>Subpart 2 National objectives framework</i>		
Clause 3.5	<p>The Draft NPS states that “[a]t every stage of the process [of] implementing the national objectives framework, regional councils must engage with communities and tangata whenua in order to give effect to Te Mana o te Wai, as required by clause 3.2.”</p> <p>It is not clear what “at every stage of the process” means. Does the “process” include identifying FMUs, monitoring sites, primary contact sites, the location of threatened species, inland wetlands, and additional components and attributes, etc?</p> <p>NRC notes that clause 3.7(1), for example, requires regional councils to identify the values that apply to each FMU, including “any other value as the council considers, after consultation with its community and tangata whenua.” Is this requirement to consult different to the requirement to engage at every stage of the process?</p> <p>While NRC is not opposed to increased engagement, there has to be an ability to do so in a meaningful way within the specified timeframe.</p> <p>NRC considers that clause 3.5(2) should be amended so that it is consistent with the operative NPS-FM. That is, it should only require regional councils to engage with communities and tangata whenua when developing freshwater objectives/target attribute</p>	<p>Amend clause 3.5(2) by only requiring regional councils to engage with communities and tangata whenua, prior to notifying a regional plan, when identifying values, developing freshwater objectives (environmental outcomes) target attribute states, while considering other relevant matters in the process (refer Policy CA2(f) in the operative NPS-FM).</p> <p>Alternatively, the timeframe for implementing the Draft NPS-FM should be extended.</p>

Provision	Comment	Relief sought
	<p>states, while having regard to relevant matters in the process. Alternatively, the timeframe for implementing the Draft NPS-FM should be extended.</p>	
<p>Clause 3.6</p>	<p>Clause 3.6(3) will require regional councils to identify the location of habitats of species that meet the criteria for the categories Nationally Critical, Nationally Endangered, and Nationally Vulnerable, and inland wetlands.</p> <p>While NRC is not opposed to the requirement, it appears that the only directly relevant associated provision in the Draft NPS is to describe the environmental outcomes that regional councils wants to achieve the value Threatened Species. The environmental outcome is obvious: that the species are not threatened.</p> <p>It is not also not clear what the purpose of doing so would achieve with respect to other requirements in the Draft NPS.</p> <p>NRC considers that identifying habitats and inland wetlands will be time-consuming and difficult to accurately achieve within the specified timeframe (clause 4.1). NRC would welcome technical and financial support from Department of Conservation and Government to do so.</p> <p>Clause 3.6(4) states that monitoring sites in an FMU must be located at sites that are either or both of the following: (a) representative of the FMU, or (b) representative of one or more primary contact sites in the FMU.</p> <p>It is important to note that most monitoring networks were not designed for the purpose of setting target attribute states and limits. That is, most were not designed for the purposes of implementing the NPS, which is the case in Northland. NRC has defined draft FMUs for the purposes of the freshwater quality planning requirements of the operative NPS. The draft FMUs are largely based on major harbour catchments Some of the draft FMUs have several monitoring sites (e.g., Whangārei FMU and Northern Wairoa FMU), a couple only</p>	<p>Amend clause 3.63 by:</p> <ol style="list-style-type: none"> <li>1. Deleting clause 3.6(3)(c);</li> <li>2. Deleting the words “in an FMU” from clause 3.6(4).</li> </ol>

Provision	Comment	Relief sought
	<p>have one or two (e.g., Bream Bay FMU, Whangaroa FMU, and Whananaki Coast FMU), and one has none (i.e., Herekino FMU).</p> <p>NRC can use data from monitoring sites in some catchments to make inferences and predictions about water quality and aquatic ecosystem health in other catchments or in other parts of the same catchment. That is because upstream catchment variables are often the same or very similar at different locations. That is, a monitoring site in one FMU may be representative of a water body or multiple water bodies in a different FMU. NRC strongly considers that the first part of clause 3.6(4) should be amended by deleting the words “in an FMU”.</p>	
<p>Clause 3.7</p>	<p>The Draft NPS introduces the term “component”. While useful from an explanatory point of view, NRC considers that it is unnecessary to use it in subpart 2 (national objectives framework).</p> <p>Clause 3.7(2) requires regional councils to describe environmental outcomes (as objectives in regional plans) for the values ecosystem health and human contact and each of their respective components. There are five biophysical components listed for ecosystem health and three for human contact. The five ecosystem health components are water quality, water quantity, habitat, aquatic life, and ecological processes.</p> <p>NRC considers that it is unnecessary to require environmental outcomes to be set for components because: (a) target attribute states have to be set for water quality (making such objectives redundant), (b) environmental flows and levels must be set for water quantity (again making water quantity component objectives redundant), (c) it is not obvious what the benefits would be for including component objectives for habitat, aquatic life and ecological processes in regional plans.</p> <p>The term “environmental outcome” should be replaced with “objective”, which is consistent with the Act.</p>	<p>Amend the Draft NPS by:</p> <ol style="list-style-type: none"> <li>1. Deleting references to components in clauses relating to setting environmental outcomes; and</li> <li>2. Replacing the term “environmental outcome” with “objective”.</li> </ol>

Provision	Comment	Relief sought
<p>Clause 3.8</p>	<p>Clause 3.8 requires regional councils to identify the current attribute state of each attribute, and it states that “water quantity does not have attributes – see clause 3.11”, a point that we will come back to again in relation to comments on clauses 3.11 and 3.20.</p> <p>NRC supports the provision for allowing for natural variability and sampling error when calculating current state (clause 3.8(2)) and the provision to use best efforts to identify a current state using information that is available, although modelling current states should be explicitly provided for.</p> <p>However, the Draft NPS requires current state to be based on a single point in time (i.e., at the date of commencement of a new NPS). NRC considers that it should be based on several years of data or annual average modelling data because water quality is influenced by climatic variables and because several of the compulsory attribute states must be determined using monitoring data from several years.</p> <p>For example, numeric attribute states for periphyton, dissolved inorganic nitrogen, and dissolved reactive phosphorus must be calculated from the rolling average median of monthly monitoring over five years; the numeric attribute states for suspended fine sediment and deposited fine sediment must be calculated from two years of at least monthly samples; attribute states for <i>E.coli</i> (human contact – lakes and rivers) must be calculated based on a minimum of 60 samples over a maximum of five years; and attribute states for cyanobacteria must be calculated using a minimum of 12 samples collected over 3 years. Data spanning several years are required to determine ‘current’ water quality state with statistical confidence.</p> <p>Moreover, surface and ground water quality are monitored at a limited number of sites that were, hopefully, selected to represent water quality in unmonitored areas. Data from existing water quality monitoring sites may, or may not, represent water quality in unmonitored areas.</p>	<p>Amend clause 3.8 by:</p> <ol style="list-style-type: none"> <li>1. Providing for the use of models to identify current attribute state; and/or</li> <li>2. Clarifying that councils can determine current state based on the minimum specified data requirements if data exists.</li> </ol>

Provision	Comment	Relief sought
<p>Clause 3.9</p>	<p>Clause 3.9 requires regional councils to set target attribute states (or “freshwater objectives” in the parlance of the operative NPS-FM). Target attribute states must be set “as at each relevant monitoring site”.</p> <p>NRC considers that the requirement to set attribute states at each relevant monitoring site is flawed because: (a) it is based on the premise that the monitoring sites are representative of upstream and downstream water quality/attribute states or other water bodies (e.g., lakes), and (b) it will very likely result in perverse regulatory outcomes (i.e., requirements to maintain and enhance water quality in the form of limits and other actions would logically only apply to point source and non-point source dischargers in the catchments upstream of monitoring sites). Clause 3.10, for example, only requires limits on resource use to be set to achieve target attribute states (set for monitoring sites).</p> <p>Clause 3.9 should be amended by deleting “as at each relevant monitoring site.” This provides for regional councils to set target attribute states at unmonitored sites. Guidance should be published on the spatial resolution at which objectives should be set so that planning interventions are efficient, effective and ultimately fair.</p> <p>The second major issue with clause 3.9 is that it requires regional councils to set target attribute states for attributes relating to Human Contact above the current state of the attribute as determined under clause 3.8. It is unclear if this means regional councils can set an attribute state for <i>E.coli</i> in the same attribute state or if they are required to set target attribute above the current attribute state. If the latter is the correct interpretation, then the regulatory analysis needs to be revisited.</p> <p>NRC also considers that the regulatory intervention is crude, blunt and will mean that resources are spent on improving ‘swimmability’ in places which are not valued for human contact. What is more, reducing <i>E.coli</i> levels across the four compliance metrics in table 11 will become increasingly expensive as mitigation options become more limited, and will divert resources from addressing water bodies of greater community value or health risk.</p>	<p>Amend clause 3.9 by:</p> <ol style="list-style-type: none"> <li>1. Providing regional councils with the discretion to determine where they set target attribute states;</li> <li>2. Providing for councils to set target attribute states by reference to an attribute state band (i.e., as currently required by the NPS-FM 2017), rather than the current state of the attribute</li> <li>3. Requiring regional councils to have regard to any social, cultural and economic implications to people and communities arising from target attribute states and associated limits;</li> <li>4. Deleting the reference to a long-term vision;</li> <li>5. Deleting 3.9(6)(d) because it is also redundant. Clause 3.20 requires freshwater quality and quantity accounting systems for, among other things, the purpose of setting target attribute states;</li> <li>6. Deleting 3.9(6)(e) because it is also redundant. The RMA requires</li> </ol>

Provision	Comment	Relief sought
	<p>Confusingly, target attribute states must be set for the <i>E.coli</i> attribute states in Table 23 (which is to be used for surveillance monitoring). It is not clear if this is the intention. Clause 3.18 requires surveillance monitoring based on, but with no reference to, the attribute states in Table 23. We understand the logic of having two <i>E.coli</i> criteria for assessing long-term and short-term risks to human health. But requiring two sets of target attribute states for <i>E.coli</i> is confusing and inconsistent with the Microbiological Water Quality Guidelines for Marine and Freshwater Recreational Areas<sup>5</sup> (the genesis of the numbers in Table 23).</p> <p>NRC strongly supports a review of the science and methodology used for assessing microbiological water quality and in particular the merits of using <i>E.coli</i> as an indicator of human health risk and associated metrics. This is on the basis that in our view the current approach and standards used may overstate the actual risk to human health particularly in regions like Northland where more recent research has established the existence of naturalised populations of <i>E.coli</i> in waterbodies that are not indicative of recent faecal contamination/health risk.<sup>6</sup></p> <p>The third, and perhaps most significant concern, is the requirement to set target attribute states for all other attributes “at or above the current attribute state as determined under clause 3.8”. It is ambiguous if this means at or above the current attribute state or, as stated in the Interim Regulatory Impact Statement, “at or above the current state of water quality (rather than within the same attribute state)”. We assume that clause 3.9(2) means the latter. In effect, this will preclude any new use and development that would result in a slight reduction in the state of an attribute, even if the change will not, or is unlikely to, have an</p>	<p>regional councils to consider national policy statement and regulations when preparing and changing regional plans.</p> <p>7. Deleting the requirement to set target attribute states for <i>E.coli</i> using table 23.</p> <p>8. Deleting table 11.</p>

<sup>5</sup> Ministry for the Environment. June 2003. Microbiological Water Quality Guidelines for Marine and Freshwater Recreational Areas

<sup>6</sup> Megan Devane. 2019. Analysis of environmental water and sediment samples for the presence of naturalised *Escherichia* including *E.coli*. Prepared by Institute of Environmental Science and Research Ltd. Client Report No: CSC 19009.

Provision	Comment	Relief sought
	<p>adverse effect on aquatic ecosystem health or human health associated with contact with water.</p> <p>NRC considers that the Interim Regulatory Impact Analysis (August 2019) is inadequate for such a significant proposal. For example:<sup>7</sup></p> <p><i>[The total monetised cost of the] has not been quantified, and is unlikely to be helpful when considering the changes proposed here in isolation. For a better indication of monetised impacts, readers should refer to analysis of including new attributes (which must then be maintained) as well as historic analysis of including the existing attributes. Further impact testing of the package as a whole is also likely to provide more information, and will be completed following consultation.</i></p> <p>If the policy direction is to maintain freshwater quality at its current state, rather than in an attribute band, then attribute bands appear to be largely redundant.</p> <p>Please note that our submission points on new and amended attributes for which target attribute states must be set are made later in this document (see comments on Appendix 2A and 2B below).</p>	
3.10	<p>NRC welcomes greater clarity on what constitutes a freshwater quality limit. The operative NPS is ambiguous in this regard. Clause 3.10(1)(b) states that “...in order to achieve the target attribute states for the attributes in Appendix 2A and Appendix 2B regional councils must include the limits on resource uses as rules in its regional plan”.</p> <p>Policy 7 in the draft NPS states: “Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided”. Over-allocation is defined as “the situation where the water: (a) has been allocated to users beyond a limit on resource use or take limit; or (b) is being used to the point where one or more target</p>	<p>Amend Clause 3.10 by:</p> <ol style="list-style-type: none"> <li>1. Clarifying what a limit means in terms of a regional rule;</li> <li>2. Deleting the requirement for action plans, or make them optional;</li> <li>3. If the requirement for actions plans is retained, allow an action</li> </ol>

<sup>7</sup> Interim Regulatory Impact Analysis for Consultation. Part II: Detailed Analysis. August 2019. Page 232.

Provision	Comment	Relief sought
	<p>attribute states is not being met. A limit is defined as "...a limit on resource use or a take limit". A limit on resource use is defined as a limit in clause 3.10. Clause 3.10 does not define a limit on resource use; it simply states that limits on resource use must be rules in regional plans. The term limit is not defined in the RMA.</p> <p>The Concise Oxford Dictionary (Third Edition, Revised) defines a limit as:</p> <ol style="list-style-type: none"> <li>1. "a point beyond which something does not or may not pass (a terminal point or boundary)</li> <li>2. a restriction on the size or amount of something</li> <li>3. a value which a sequence, function, or sum can be made to approach progressively."</li> </ol> <p>Because the natural or ordinary meaning of the term limit is a point beyond which something does not or may not pass, does this mean that regional councils must include prohibited activity rules in plans to avoid over-allocation? Particularly because decision-makers considering an application for a resource consent must only have "regard to" relevant policy direction in a national policy statement or plan or proposed plan?</p> <p>Notwithstanding the issues of statutory interpretation, setting limits on resource use will still be inherently difficult because of the requirement to demonstrate the link between a 'limit' on resource use and the achievement of a target attribute state (e.g., determining robust relationships between cumulative point source and non-point source discharges of contaminants and concentrations and loads in water bodies).</p> <p>Clause 3.10 states that regional councils may prepare and publish action plans for achieving target attribute states for attributes in Appendix 2A and must prepare and publish action plans for achieving target attribute states for attributes in Appendix 2B. The timeframe for preparing and publishing action plans is unclear. Also unclear is what exactly an action plan must contain. It is also important to note that regional councils do not have control over</p>	<p>plan to be applied across multiple FMUs/waterbodies where appropriate.</p>

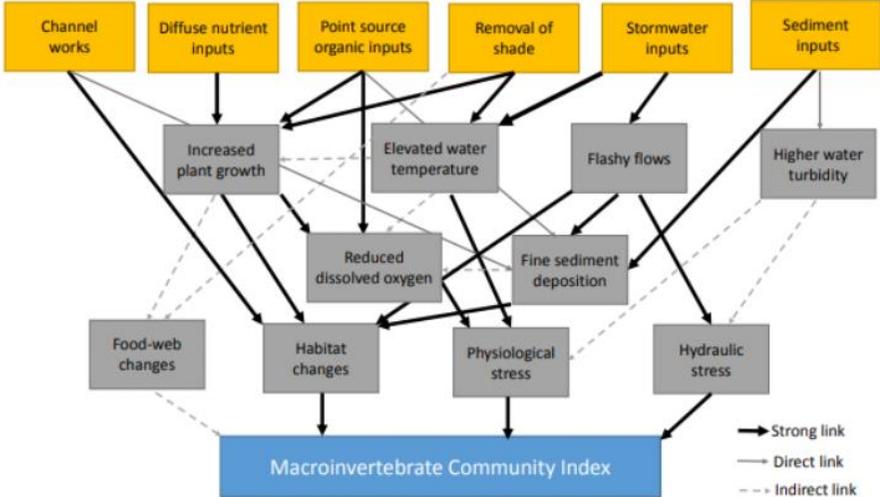
Provision	Comment	Relief sought
	<p>several things that influence the biological attributes in Appendix 2A (e.g., fishing pressures, pest plants and animals, and natural influences).</p> <p>NRC considers that the requirement of action plans should be deleted. Alternatively, they should be a discretionary intervention option.</p>	
<p>Clause 3.11</p>	<p>Clause 3.11 requires regional councils to set environment flows and levels for each FMU and may set them for individual waterbodies or parts of waterbodies in an FMU. Subclause 3.11(2) states that “[t]he environmental flows and levels must be developed on the basis of the environmental outcomes identified under clause 3.7.”</p> <p>Clause 3.7 introduces requirements that are not in the operative or previous versions of the NPS. NRC has included freshwater quantity objectives and environmental flows and levels in its Proposed Regional Plan for Northland, as required by the operative NPS. NRC understands many councils are in the same position. NRC does not see merit in revisiting these provisions unless it becomes apparent that there is clear and obvious conflict between the environmental flows and levels in the existing plan and an environmental outcome identified under clause 3.7, i.e., there should not be a default requirement to revise the environmental flows/levels and take limits, as it will serve as a further drain on resources with no clear benefit and divert from action on other requirements.</p> <p>Clause 3.11(4) states that “Clause 3.9(6) applies when regional councils are setting environmental flows and levels.” Clause 3.9 is specific to setting target attribute states. Yet, clause 3.8(1) states “Every regional council must identify the current state of each attribute (<b>noting that water quantity does not have attributes – see clause 3.11</b>). The reference to clause 3.9(6) is confusing and appears to be a drafting error.</p>	<p>Amend the Draft NPS by:</p> <ol style="list-style-type: none"> <li>1. Explicitly allowing councils to retain existing environmental flows and levels unless there is a clear conflict with environmental outcomes; and</li> <li>2. Deleting Clause 3.11(4).</li> </ol>
<p>Clause 3.12</p>	<p>Further to our submission point on clause 3.10, it is unclear what is meant by a take limit as a rule in a regional plan. That is, must the rule(s) be classified as a prohibited activity, or can the rules be of a less stringent classification coupled with strong policy direction?</p>	<p>Amend clause 3.12 by:</p> <ol style="list-style-type: none"> <li>1. Clarifying if a take limit as a rule must be a prohibited activity or</li> </ol>

Provision	Comment	Relief sought
	<p>Clause 3.12(2) states that “[t]ake limits must be expressed as a total volume or total rate at which water may be taken from each FMU, or parts of an FMU, and must state the circumstances in which the water take may occur.” It is not clear if there is discretion to specify limits in terms of a proportion of a mean annual low flow (%MALF) for a river or annual average recharge (%AAR) for an aquifer, rather than in the corresponding volumetric units (e.g., m<sup>3</sup>/day, or L/s).</p> <p>It is not clear what an “action plan” would contain in order to “meet environmental flows and levels”.</p> <p>Clause 3.12(3) states:</p> <p style="padding-left: 40px;"><i>Take limits must be identified as levels that:</i></p> <ul style="list-style-type: none"> <li>a) <i>provide for flow or level variability that meets the needs of the relevant waterbody and connected waterbodies, and their associated ecosystems; and</i></li> <li>b) <i>safeguard ecosystem health from the effects of the take limit on the frequency and duration of lowered flows or levels; and</i></li> <li>c) <i>provide for the lifecycle needs of aquatic life; and</i></li> <li>d) <i>provide for the essential health needs of people; and</i></li> <li>e) <i>take into account the environmental outcomes applying to the relevant waterbodies and any connected waterbodies (such as aquifers and downstream surface waterbodies), whether in the same or another region.</i></li> </ul> <p>Clause 3.12(3) states that take limits must provide for the essential needs of people and aquatic ecosystem health. Te Mana o te Wai hierarchy of obligations creates tension, and consequently uncertainty, around how 3.12(3) should be interpreted.</p>	<p>the rule can have a less stringent classification coupled with strong policy direction;</p> <ol style="list-style-type: none"> <li>2. Clarifying what is meant by the terms total volume or total rate of take;</li> <li>3. Clarifying what is meant by the words “circumstances in which the take may occur”; and</li> <li>4. Clarifying the relationship between the requirements of clause 3.12(3) and clauses 2.1 (objective) and clause 2.2, policy 1.</li> </ol>
Clause 3.14	<p>Clause 3.14(1) will require a regional council to prepare an action plan for halting, and if possible reversing, deterioration in any attribute state if a deteriorating trend is detected. It is unclear what is meant by a deteriorating trend. Water quality is inherently dynamic, and it</p>	<p>Amend clause 3.14 by:</p> <ol style="list-style-type: none"> <li>1. Clarifying what is meant by a deteriorating trend, including the</li> </ol>

Provision	Comment	Relief sought
	<p>takes long term monitoring data (e.g., 5, 10, 15 years) to establish robust trends (given variability in climatic variables, etc).</p> <p>Clause 3.14(2) will require a regional council to identify the causes of deterioration and methods to address causes. This might be straightforward for some attributes but not for others. Determining deterioration in a macroinvertebrate index (MCI) score is a case in point. Clapcott and Goodwin (2014) concluded:<sup>8</sup></p> <p><i>Overall results suggest that site MCI score are related to land use through a complex chain of causality, which makes isolating the role of specific variables difficult. The impact of limits placed on one effect pathway will depend on interactions with other pathways and will also be influenced by the local habitat. Catchment scale management may not result in a response in MCI scores without equal consideration of segment scale management and vice versa.</i></p> <p>The following diagram highlights the complexity.<sup>9</sup></p>	<p>timeframe and statistical protocols; and</p> <p>2. Directing a regional council to investigate the cause(s) of a deteriorating trend and having discretion whether to prepare an action plan based on an evaluation of the effectiveness of the methods within its control.</p>

<sup>8</sup> Clapcott J, Goodwin J. 2014. Relationships between MCI and environmental drivers. Prepared for Ministry for the Environment. Cawthron Report No. 2507.

<sup>9</sup> Sourced from Collier KJ, Clapcott J, Neale M. 2014. A macroinvertebrate attribute to assess ecosystem health for New Zealand waterways for the national objectives framework – Issues and options. Environmental Research Institute report 36, University of Waikato, Hamilton.

Provision	Comment	Relief sought
	 <p><b>Figure 1</b> Pathways by which various pressures (orange boxes) influence the MCI.</p> <p>We consider that action plans should be optional.</p>	
<i>Subpart 3 Specific requirements</i>		
Clause 3.15	<p>NRC notes that clause 3.15(5) provides direction on what wetlands must be mapped, including wetlands that are greater than 0.05 hectares in size or of a type that is naturally less than 0.05 hectares in size (such as ephemeral wetland or springs). While NRC supports the intention, the costs of mapping all inland wetlands is significant (the Interim Regulatory Impact statement suggests costs range from approximately \$500,000 to \$2.5 million per council, which would be a considerable expenditure for NRC).</p>	<p>Amend clause 3.15 by:</p> <ol style="list-style-type: none"> <li>1. Inserting the words “where practicable” after “Every regional council must”.</li> <li>2. Making the obligations in clause 3.15(5)(b)(iv) optional;</li> </ol>

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	<p>Our recent attempt to map wetlands using radiometric and physiographics data has proven to be problematic. While we can use remote sensing tools and aerial imagery, we do not foresee having the resources to undertake the massive amount of ‘ground-truthing’ that will be required to verifying mapping. Clause 3.15(5) should be amended by inserting the words “where practicable” after “Every regional council must”.</p> <p>NRC is also concerned about the requirement in clause 3.15(5)(b)(iv) to establish and maintain an inventory about each inland wetland on “values (such as ecosystem services, habitat for indigenous biodiversity, amenity values”. The term “ecosystem services” is extremely broad and amenity values are subjective. NRC considers that this should be optional.</p> <p>We support the direction in clause 3.15(6) to use a specified wetland delineation protocol as it will ensure consistency across New Zealand.</p> <p>Clause 3.15(9)(a) requires a monitoring plan for inland wetlands, however no monitoring objectives have been set, and costs and scale have not been adequately assessed. Monitoring objectives are needed in order to design a fit for purpose monitoring programme for the region. A minimum of four metrics are required, three of which could be done remotely. NRC notes that the Interim Regulatory Impact Analysis (which we have pointed out is inadequate) states:</p> <p style="padding-left: 40px;"><i>Of those councils that have an ongoing inland wetland condition monitoring programmes the costs involved with monitoring a selection of their wetlands range between \$50,000 - \$100,000 per year for contractors alone. These programmes generally <b>select a range of representative wetlands</b> across the region and revisit them on a 5-yearly basis. <b>Costs would increase accordingly if the number of wetlands monitored were higher.</b></i></p> <p>It is not clear if clause 3.15(9) will require regional councils to monitor all inland wetlands or a representative selection. NRC considers that clause 3.15(9) should only apply to a</p>	<ol style="list-style-type: none"> <li>3. Clarifying that clause 3.15(9) only relates to a selection of representative wetlands;</li> <li>4. Specifying a nationally consistent monitoring protocol (including timeframes) and that reporting should be done every five years in accordance with clause 3.21(2); and</li> <li>5. Clarifying that requirements does not apply to wetlands in the Department of Conservation estate.</li> </ol>

Provision	Comment	Relief sought
	<p>representative selection of wetlands in a region. NRC also considers that a nationally consistent monitoring protocol (including timeframes) should be prescribed and the reporting should be done every five years in accordance with clause 3.21(2). NRC also sees no utility in monitoring wetlands in areas, such as those in Department of Conservation estate, that are downstream/downgradient of land that is not or cannot be developed.</p>	
<p>Clause 3.16</p>	<p>Clause 3.16(1) is unnecessary because decision-makers for resource consent applications must have regard to policy direction in a national policy statement under section 104 of the RMA. It is more efficient for the required policy to be a standalone policy in the NPS, rather than being duplicated in regional policy statements.</p> <p>Similarly, it would be more efficient for clause 3.16(3) to be a standalone policy that prescribes the use of the effects management hierarchy.</p> <p>Clause 3.16(4) requires regional councils to “make or change its regional policy statement and plans to ensure that the following do not result in a <b>net loss in the extent or ecosystem health</b> of a stream: a) permanently diverting a stream; b) culverting a stream, where that is allowed and as far as practicable.” It is not clear how net loss is to be determined, i.e., there is no prescribed direction (e.g., methodology). Applying a ‘no net loss’ requirement on culverts is impractical and seems to contradict permitted activity status for culverts in Clause 21 of the NES-FW.</p> <p>Clause 3.16(5) is about infilling of river or stream beds. However, the term “infilling” is not defined. It should be in the interests of avoiding ambiguity.</p>	<p>Amend the Draft NPS by:</p> <ol style="list-style-type: none"> <li>1. Deleting the requirement in clause 3.16(1) to insert the policy in regional policy statements and retain the policy as a standalone policy in the NPS;</li> <li>2. Changing 3.16(3) to a standalone policy in the NPS;</li> <li>3. Providing clear direction on how to determine “no net loss of ecosystem health”;</li> <li>4. Deleting the Clause 3.16(4)(b) requirement for no net loss in relation to culverts; and</li> <li>5. Including a definition of infilling.</li> </ol>
<p>Clause 3.17</p>	<p>The requirements in clause 3.17(4) and (5) fail to address issues such as lack of clarity around legal ownership of orphan structures and controls that Heritage New Zealand Pouhere Taonga or other external parties may impose upon remediation. In certain circumstances the Crown, as owner of the riverbed, is responsible for addressing the adverse effects of abandoned structures. Across New Zealand this would be very significant and not recognised by the Crown. We are concerned the costs of establishing and</p>	<p>Establish a national fund for addressing abandoned fish barriers.</p> <p>Amend clause 3.17 so that it only applies to the management of freshwater fish under regional councils’ RMA functions.</p>

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	implementing a work programme to improve the extent to which existing structures achieve fish passage will unfairly fall on regional councils.	
Clause 3.18	Clause 3.18(3)(b) will have potentially significant cost implications for councils because of the sampling frequency requirements and it does not provide for alternative risk management assessment tools such as predictive modelling/forecasting.	Amend clause 3.18 by: <ol style="list-style-type: none"> <li>1. Inserting the words “where practicable” after the words “...until further sampling” in clause 3.18(3)(b).</li> <li>2. Expressly providing for alternative risk assessment tools such as predictive modelling.</li> </ol>
Clause 3.19	<p>Clause 3.19(3) states that: “Regional councils must define a timeframe within which over-allocation is phased out, and methods to achieve that, so that the limits on resource use and take limits are reduced to levels that meet the objective and policies of this National Policy Statement.” The reference to meeting objectives and policies of the NPS is confusing and unnecessary. Limits on resource use and take limits are to be set in order to achieve environmental outcomes/freshwater objectives established in accordance with the NPS. There is also policy direction in the Draft NPS to avoid and phase over-allocation, as well as a definition of over-allocation.</p> <p>It is also unclear what is meant by “...so that limits on resource use and take limits are reduced to levels...”.</p>	Amend clause 3.19(3) so that it states: “Regional councils must define a timeframe within, and methods by which, over-allocation is phased out.”
Clause 3.20	Clause 3.20(4) states that “[e]very regional council must make information from [accounting] systems available to the public, regularly and in a suitable form, for every FMU for which target attribute states have been, or are being, set.” However, clause 3.8(1) states that “water quantity does not have attributes”. This appears to be a drafting error because the proposed requirements would mean that regional council would not need to report on	Amend clause 3.20(4) by including the words “and take limits” after “...for which target attribute states”.

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	information obtained using a water quantity allocation system (e.g., sources and volumes of water takes).	
Clause 3.21	NRC considers that councils should not have to produce annual reports. Reporting can be done online using LAWA for example.	Amend clause 3.21 by: <ol style="list-style-type: none"> <li>1. Replacing the requirement to produce an annual report with a requirement to provide up-to-date information; and</li> <li>2. Clarifying if online reporting, such as the LAWA platform, is sufficient.</li> </ol>
Clause 3.22	<p>We question the logic of only excluding large hydro schemes in relation to setting target attribute states because the NPS-REG 2011 also includes small and community-scale distributed renewable generation activities. Also, it appears to be inconsistent with the proposed hierarchy of principles in Te Mana o te Wai.</p> <p>It is important to note that we are not opposed to the proposal, we are just seeking an explanation for the reason for the exception considering the potential need for other exceptions (based on the light benefit-cost analysis in the Interim Regulatory Impact Analysis).</p>	Clarify the relationship between the Te Mana o te Wai hierarchy in the sole objective in the Draft NPS (clause 2.1) and the accompanying direction in clause 2.2, policy 1 and exceptions provided by clause 3.22.
Clause 3.23	We support the provision of exemption for setting target attribute states below national bottom lines if the attribute state is a function of naturally occurring processes, i.e., geology and naturalised <i>E.coli</i> . <sup>10</sup>	Amend clause 3.23 by providing for regional councils to set target attribute states below national bottom lines where it can be demonstrated that doing so will

<sup>10</sup> See Megan Devane. 2019. Analysis of environmental water and sediment samples for the presence of naturalised *Escherichia* including *E.coli*. Prepared by Institute of Environmental Science and Research Ltd. Client Report No: CSC 19009.

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	<p>We also consider that exceptions should be provided for setting target attribute states below national bottom lines where it can be demonstrated that doing so will not adversely affect water quality dependent values.</p>	<p>not adversely affect water quality dependent values.</p>
<p><i>Part 4: Timing</i></p>		
<p>Clause 4.1</p>	<p>NRC considers the timeframe to notify NPS-FM related decisions by 31 December 2025 is completely unrealistic if communities, including Māori, are to be engaged meaningfully at every stage of the process (i.e., determining a vision, identifying values, establishing environmental outcomes, setting target attribute states, etc).</p> <p>NRC strongly recommends the Minister either reconsiders consultation/engagement requirements or timeframes in Clause 4.1 and any other clauses. NRC also considers that clause 4.1 is, in a couple of regards, ambiguous. Clauses 4.1(1), (3), and (4) refer to objectives and policies, yet the Draft NPS also refers to clauses (on 32 occasions). The Draft NPS should be amended to clarify which clauses are objectives and policies, etc (from Part 3 onwards).</p> <p>Clause 4.1(2) is about changes to policy statements and plans that are necessary to give effect to the NPS. It is not clear if a number of requirements are required to be included in regional plans (e.g., target attribute states and environmental flows and levels).</p> <p>Clause 4.1(4) will require “in case of dispute...[a]...regional council to show that, despite the different wording or terminology used, their regional policy statement or plan does implement the objective and policies of the [NPS].” It is not clear what the purpose of this directive is. It is evident that a person can submit and appeal on the adequacy of a plan change to implement all or part of the NPS. And the Minister can direct a regional council to prepare a plan, plan change, or variation to address a resource management issue relation to a function in section 30 of the RMA.</p>	<p>Amend the Draft NPS by:</p> <ol style="list-style-type: none"> <li>1. Reconsider consultation requirements and/or timeframes so they are more realistic for both councils and communities. (NRC’s preference is to change the community and tangata whenua engagement requirements so that we can accelerate the task of improving water quality.);</li> <li>2. Specifying what provisions are objectives and policies, or other types of provisions (e.g., “matters”, “methods”, “constraints”, etc);</li> <li>3. Clarifying what requirements clause 4.1(2) relates to; and</li> <li>4. Deleting clause 4.1(4).</li> </ol>

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<i>Appendices</i>		
Appendices 1A and 1B	<p>The definition of ecosystem health includes the statement that “[i]n a healthy freshwater ecosystem, water quality, quantity, habitat and processes are suitable to sustain appropriate indigenous aquatic life, as would be found in a minimally disturbed condition (before providing for other values).” NRC questions if it is possible to achieve such a state in most, or at least a majority, of water bodies. NRC also notes the inconsistency of allowing degradation of aquatic ecosystem health (indigenous biodiversity) by allowing/promoting introduced species managed by Fish and Game</p> <p>NRC supports the introduction of threatened species as a compulsory value. However, we disagree with the statement that “basic conditions [for threatened species] relate to aquatic habitat, water quality, and flows and levels, but may also include specialised habitat or conditions needed for only part of the life-cycle of threatened species.” To be clear, basic conditions also include the absence/low population levels of introduced pest plants and animals and sustainable management of fishing, matters that are largely beyond the influence of the RMA yet affect proposed new attributes (i.e., macroinvertebrates, fish, and submerged plants).</p> <p>NRC also supports a compulsory value for mahinga kai, but we point out that not all the aspects of mahinga kai, and other described values, can be influenced by regional councils. NRC considers that there needs to be tight definition with respect to the aspects that can be managed by regional councils.</p> <p>Appendix 1B includes a value for fishing which says “...the numbers of fish would be sufficient and suitable for human consumption.” Again, councils do not have control over fish ‘numbers’ and this is in a large way affected by commercial / recreational harvest.</p>	<p>Amend the appendices by:</p> <ol style="list-style-type: none"> <li>1. Deleting the last sentence in the definition of ecosystem health;</li> <li>2. Clarifying that some “components” of ecosystem health are largely, or completely, beyond the control of regional councils;</li> <li>3. Clarifying that some aspects of other values, e.g., Threatened Species and Mahinga Kai, as described in Appendix 1A and 1B, are beyond the control of regional councils; and</li> <li>4. Deleting the reference to fish numbers in Appendix 1B value for fishing.</li> </ol>
Appendices 2A and 2B	As a general note, NRC considers that the addition of 14 new attributes, including determining current state and developing actions plans is resource intensive and there is a	Amend the appendices by:

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	<p>risk that more time and resource will be spent on quantifying attributes detracting from ‘on-the-ground’ management actions. It will also complicate environmental reporting and will be confusing to the general public.</p> <p>Appendix 2A specifies attributes requiring limits.</p> <p><i>Tables 1 – Phytoplankton (Trophic state), 3 – Total Nitrogen (Trophic state), 4 – Total Phosphorus (Trophic state)</i></p> <p>The Operative NPS and Draft NPS specify sampling protocols (i.e., minimum data requirements). We consider that there should be a standard national monitoring and analysis methodology for phytoplankton, TN and TP in lakes.</p> <p><i>Table 2 Periphyton (Trophic state)</i></p> <p>The Operative NPS defines what is meant by a default class and a productive class. A definition in the Draft NPS is conspicuously absent.</p> <p>The Science and Technical Advisory Group recommended that a look-up table to calculate default TN and DRP criteria for the periphyton attribute be included in the Draft NPS, which would be used in the absence of robust, locally suitable, independently reviewed criteria. We are heartened that Government has not included the look-up table in the Draft NPS. The TN and DRP criteria are fundamentally at odds with our research.<sup>11</sup> We support the direction for regional councils to derive site, catchment or regional-specific nutrient concentration and exceedance criteria for managing periphyton biomass. The logic for this is</p>	<ol style="list-style-type: none"> <li>1. Specifying the amount of monitoring data for phytoplankton, TN and TP to grade a lake (tables 1, 3 and 4) and in other tables (e.g., 20);</li> <li>2. Clarifying the inherent tension between the monitoring and statistical requirements in tables 2, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22 and the direction in clause 3.8(3);</li> <li>3. Deleting tables 5 and 6;</li> <li>4. Clarifying the tension between data requirements in the tables and clause 3.8(3);</li> <li>5. Clarifying what is meant by a default class and a productive class in the periphyton attribute note;</li> <li>6. Including the fine sediment attributes as non-compulsory attributes for a period (e.g., two years) or as compulsory monitoring attribute only;</li> </ol>

<sup>11</sup> See <https://www.nrc.govt.nz/media/14624/periphyton-growth-in-northland-niwa-2019.pdf> and <https://www.nrc.govt.nz/media/9450/averageannualandseasonalaccrualperiodsfornorthlandstreams.pdf>

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	<p>set out in out in Mfe’s draft technical guide to the Periphyton Attribute Note,<sup>12</sup> and reinforced by recent research for NRC <sup>13</sup> and Horizons Regional Council<sup>14</sup>.</p> <p>NRC notes that Table 2 in the Draft NPS states that numeric attribute states must be derived from the rolling median of monthly monitoring over five years. The Operative NPS requires a minimum of monthly samples over three years. This will affect the ability of some regional councils to determine “current attribute states”. It is also confusing that the table expressly requires a minimum of 60 samples but clause 3.8(3) states: “[I]f a regional council does not have complete and scientifically robust data on which to establish the current state of an attribute, it must use its best efforts to identify a current state using the information that is available, including partial data, local knowledge, and information obtained from other sources.”</p> <p>There is inherent tension between the data requirements specified in the table and clause 3.8(3). This also applies to other attributes.</p> <p><i>Tables 5 and 6 – DIN and DRP</i></p> <p>NRC strongly opposes the proposed new attributes for dissolved inorganic nitrogen and dissolved reactive phosphorus. We, along with others, including the Regional Sector consider that the DIN and DRP attributes are based on correlations rather than causation, and that the correlations are spurious (where other inter-correlated drivers of ecosystem health are ignored). NRC also questions the logic of proposing attributes for DIN and DRP that are based on a paper (in prep) that has not been published in a peer-reviewed journal,</p>	<ol style="list-style-type: none"> <li>7. Including a compliance metric (e.g., median, mean, etc) in table 18.</li> <li>8. Requiring the monitoring of water visual clarity and suspended sediment in addition to turbidity.</li> <li>9. Updating table 11 to better reflect risk to public health risk;</li> <li>10. Providing for regionally-specific methods for assessing MCI;</li> <li>11. Deleting the QMCI attribute from table 13;</li> <li>12. Deleting table 14;</li> <li>13. Providing for regionally-specific assessment methods in table 13;</li> <li>14. Deleting tables 15, 16, and 17;</li> <li>15. Deleting table 22; and</li> <li>16. Expressly stating that target attribute states should not be set for the attribute states in table 23.</li> </ol>

<sup>12</sup> <https://www.mfe.govt.nz/publications/fresh-water/draft-technical-guide-periphyton-attribute-note>

<sup>13</sup> <https://www.nrc.govt.nz/media/14624/periphyton-growth-in-northland-niwa-2019.pdf>

<sup>14</sup> <https://www.horizons.govt.nz/CMSPages/GetFile.aspx?guid=83b3c888-a55e-4076-9673-f99654f3bfa7>

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	<p>particularly given the significant social, economic, and cultural implications of the proposed attributes.</p> <p>We note that the Interim Regulatory Impact Analysis states:<sup>15</sup></p> <p><i>There are concerns that the existing periphyton attribute could be inappropriately applied by setting incorrect in-stream nutrient concentrations. There are technically difficult and complex modelling calculations required to set these nutrient concentrations to provide for periphyton objectives. Because of this, council approaches may lack transparency and rigour, allowing room for actual or perceived misuse of modelling. These concerns could affect public confidence in councils' ability to maintain or improve water quality.</i></p> <p>We dispute this. Council plan changes are open and transparent. They are subject to Schedule 1 requirements of the RMA. We are not aware of any examples of regional councils setting inappropriate nutrient concentration criteria.</p> <p>The Interim Regulatory Impact Analysis goes on to state:<sup>16</sup></p> <p><i>Essentially, the NPS-FM gives councils a lot of flexibility in terms of the levels at which they choose to set water quality objectives, to the extent that it is possible that they could be set in a way that doesn't support a healthy ecosystem. At this point we do not know the levels at which all councils will choose to set these objectives.</i></p>	

<sup>15</sup> Interim Regulatory Impact Analysis for Consultation: Essential Freshwater. Part II: Detailed Analysis. August 2018. Page 72.

<sup>16</sup> Ibid

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	<p>... <i>The tables are based on an approach introduced by <b>Death et al. (in prep)</b><sup>17</sup> and subsequently modified based on review and discussion by STAG.</i></p> <p>... <b><i>While there may not always be a direct link and well-defined mechanistic models between nutrients and components of a healthy ecosystem, ecosystems are dominated by indirect and complex relationships that are difficult to accurately quantify.</i></b> [emphasis added]</p> <p>The Regional Sector considers that the proposed DIN and DRP attributes are based on spurious correlations, and should be deleted. We strongly agree. The attributes are also underpinned by a very inadequate benefit-cost analysis.</p> <p>Because of the relatively short consultation period, NRC has not been able do a robust assessment of the consequences of the DRP and DIN attributes. That said, approximately 37% of our river water quality monitoring network sites fail the proposed national bottom line for DRP (See Appendix 2 of this document). If the network is representative of Northland's rivers then the proposals will have major social and economic costs implications for people and communities.</p> <p><i>Tables 10 – Suspended fine sediment and 18 – Deposited fine sediment</i></p> <p>NRC is thankful for the opportunity to work with MfE officials in the development of the attributes for fine sediment. We consider that it is important that the NPS provides specific direction on the management of fine sediment losses to water, including attributes of sediment that should be managed and direction on linking catchment sediment loads to water quality outcomes. Like other members of the Regional Sector Water Sub-Group, NRC:</p>	

<sup>17</sup> Death, R. G., Magierowski, R., Tonkin, J. D., and Canning, A. D. (in prep.). Clean But Not Green: A Weight-of-Evidence Approach for Setting Nutrient Criteria in New Zealand Rivers.

Provision	Comment	Relief sought
	<ol style="list-style-type: none"> <li>1. Is acutely aware that accelerated erosion is a pervasive issue across much of New Zealand and requires tackling on a significantly larger scale than most councils are currently able to do;</li> <li>2. Recognises that the drivers of accelerated erosion are likely to increase with climate change, so setting a framework for action is important;</li> <li>3. Is concerned about the poor alignment of national policy direction e.g., the National Policy Statement for Freshwater Management versus the National Policy Statement on Urban Development Capacity and the National Policy Statement for Highly Productive Land – as a suite of policy, these conflict rather than complement, leaving councils with no certainty and vulnerable to challenge whichever decisions are made;</li> <li>4. Recognises the importance of focusing action on fixing sediment sources rather than simply coming up with complex policy frameworks that are difficult to interpret, convey and implement. It is important to note that we know what the solutions are (excluding livestock from waterways, stabilising erodible land, constructing wetlands, riparian planting, etc) but they require actions at pace and scale based on substantial increases in funding and support; and</li> <li>5. Recognises that councils and communities must recognise the importance of managing land for environmental outcomes in the freshwaters and downstream coastal waters.</li> </ol> <p>That said, NRC:</p> <ol style="list-style-type: none"> <li>1. Considers that the proposed attributes and associated classifications are complex. What is more, the sediment classification system is largely driven by impacted (non-reference) sites, rather than a classification system based on natural variation in sediment environmental state variables;</li> </ol>	

Provision	Comment	Relief sought
	<p>2. Is concerned compulsory attributes will be challenging to measure and monitor in stream, especially within first and second order streams as the proposed attribute requires.</p> <p>3. Is conscious that the level of complexity associated with the sediment attributes and classification system will make it difficult for communities faced with reducing sediment to understand what they are trying to address;</p> <p>4. Is concerned that the attribute bands are narrow and will potentially be masked by in-field variability in sampling; and</p> <p>5. Considers that there are some potential major challenges in linking land use management to changes in attribute bands.</p> <p><i>Table 11 – Escherichia coli (E.coli)</i></p> <p>While NRC accepts that using <i>E.coli</i> as an indicator of risks to human health is current practice, we emphasise the need to update the science on the relationship between <i>E.coli</i> and campylobacter and other pathogens. Recent research in Northland has found that naturalised <i>E.coli</i> in assessed water samples.</p> <p>NRC considers that it is inappropriate to grade rivers using <i>E.coli</i> data collected on a regular basis regardless of weather and flow conditions. That is because contact recreation in water does not happen during and after heavy rain events and seldom happens in winter, for example.</p> <p><i>Tables 13 and 14 – Macroinvertebrates</i></p> <p>NRC’s assessment of historical macroinvertebrate data indicates that approximately 50% of current SOE sites would be below the national bottom line (D band) for MCI and 70% for QMCI. QMCI is unsuited methodology for SOE monitoring (Stark and Maxted 2007). It is very sensitive and more suitable for compliance monitoring, i.e., sites above and below point source which are monitored on the same day, under the same conditions. For this</p>	

Provision	Comment	Relief sought
	<p>method to be meaningful for SOE monitoring, all sites should be monitored on the same day which is logistically impossible in most cases. QMCI uses the number of individuals of each taxa as opposed to presence of taxa. Rather than QMCI or MCI alone, a different measure should be used such as the Observed over Expected (O/E) metric under development (Neale, 2018) where results are compared to relevant reference conditions which take into account regional differences (Stark, 2014, Greenwood <i>et al</i> 2015).</p> <p>NRC is also concerned about the prescribed method for assessing MCI. John Stark developed specific methods for calculating MCI, SQMCI, and QMCI in the Northland region on the basis that they perform better than indexes developed elsewhere.<sup>18</sup> Table 13 should be amended to provide for regionally-specific methods.</p> <p>NRC also considers that there are too many indices and sampling methods need to be aligned to account for natural variability. The sampling protocol using the deposited sediment classification system does not match reality at many sites, i.e., some sites classified as 1, 5, and 11 have rocky/cobbly substrates and a soft bottom tolerance is prescribed and vice versa (some sites in classes 2, 3, 4, 6, 7, 8, 9, 10 and 12 have soft bottom substrates and a hard bottom tolerance score is prescribed). Presumably the sampling methodology should suit the tolerance scores used. NRC questions the need for two macroinvertebrate attributes – it is overkill. The proposed requirement to process samples quantitatively and to use three indices (MCI, QMCI, ASPM) is unnecessarily complex and expensive. NRC considers that only MCI should be required.</p> <p>In many cases the deposited sediment classes do not align well with site characteristics. For all Northland sites the hard-bottom MCI index is prescribed. At least a third of these sites</p>	

<sup>18</sup> John D Stark. 2014. Macroinvertebrate biotic indices for the Northland region. Prepared for Northland Regional Council. Stark Environmental Report No. 2014-08. 33p.

Provision	Comment	Relief sought
	<p>are soft bottom. For these sites the index is unlikely to provide a true reflection of ecosystem health.</p> <p>If a hard-bottom index is prescribed for a site, presumably a hard bottom sampling protocol needs to be applied (this is not clear) – this is unworkable where the site/river is actually soft bottom (despite its classification as hard under the NPS-FM).</p> <p><i>Table 15 – Fish (rivers)</i></p> <p>NRC understands that there is much debate about the effectiveness and appropriateness of the Fish IBI in assessing state of fish communities. For example, a decrease in the Fish IBI of -20% below the bottom line does not mean a loss of species. It just means that averaged over the 3-7 fish that comprise the index, there is a 20% lower probability of catching the same fish. NRC considers that more research is required for a fish IBI and therefore table 15 should be deleted for the time being.</p> <p>That said, NRC recognises the importance of monitoring freshwater fish and consider that a multiagency approach (regional councils and DoC), using an established protocol, would be beneficial.</p> <p><i>Tables 16 – Submerged plants (natives) and 17 – Submerged plants (invasive species)</i></p> <p>Invasive species can negatively impact on native species and lake ecosystem processes. Lake SPI is a function of an accumulation of several stressors. Targeted interventions are required to remove invasive species. In some situations, it may be preferable for councils to leave populations of invasive macrophytes in place, if they are providing a useful ecosystem function and the lake no longer supports native macrophytes. The community may prefer invasive macrophytes over nuisance algal blooms. The consequences of macrophyte removal or management will need to be considered by councils when creating their management plans.</p>	

Provision	Comment	Relief sought
	<p>NRC considers that target attribute states should not have to be set for Lake Submerged Plants. Instead councils should only be required to monitor submerged plants using Lake SPI in representative lakes. This recommendation is consistent with recommendation of the wider regional sector.</p> <p><i>Table 23 – Escherichia coli (E.coli) (primary contact sites)</i></p> <p>The <i>E.coli</i> attribute states in table 23 are for surveillance monitoring. They should not be used for setting target attribute states. We consider that this should be expressly stated in the NPS.</p>	
<b>Proposed National Environmental Standards for Freshwater</b>		
General point	It is not clear what RMA restrictions several of the standards apply to. For example, is standard 10(2) a section 9 rule (restrictions on use of land) or section 14 rule, or both?	Amend the Proposed NES by specifying what RMA restrictions (sections 9, 13, 14, and 15) apply in relation to the standards specifying rule activity statuses.
<i>Part 1 Preliminaries</i>		
Clause 3	We support clause 3, which provides for a local authority to charge for monitoring any activity identified in the Standards as a permitted activity.	Retain clause 3.
<i>Part 2 Wetlands, rivers, and fish passage</i>		
Clause 4	A constructed wetland is defined as "...a wetland constructed by artificial means that: (a) supports an ecosystem of plants that are suited to wet conditions; and (b) is constructed for a specific purpose in a place where a natural wetland does not already exist." Wetlands often form unintentionally as a result of human activities (e.g., construction of roads, railway bunds, drains, etc). That is, they were not constructed for a specific purpose and therefore would be deemed natural wetlands.	<p>Amend the Proposed NES by:</p> <ol style="list-style-type: none"> <li>1. Clarifying the status of wetlands created unintentionally by human activities (e.g., construction of roads, railway bunds and drains);</li> </ol>

Provision	Comment	Relief sought
	<p>The proposed NES states that a natural wetland means a wetland as defined in the RMA, with some exceptions. The definition should be amended by being more specific about what a natural wetland is and is not. For example, stream and river margins and lakes are, by definition, natural wetlands.</p> <p>Vegetation destruction is defined in the Proposed NES as “destroying any significant indigenous vegetation.” However, the term significant indigenous vegetation is not defined in the Proposed NES, or for that matter in the RMA. This will result in uncertainty in implementation and inconsistent approaches around the country.</p>	<ol style="list-style-type: none"> <li>2. Clarifying if the land-water margins of streams, rivers and lakes that support a natural ecosystem of plants and animals that are adapted to wet conditions are natural wetlands; and</li> <li>3. Including a simple definition of significant indigenous vegetation. The alternative is to adopt the approach in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017, which is defining an area of significant indigenous vegetation as an area that is identified in a regional policy statement or regional plan as significant and is identified in the policy statement or plan, including by a map, a schedule, or a descriptions of the area by using significance criteria.</li> </ol>
Clause 5	<p>Clause 5 sets out wetland monitoring requirements that must be imposed as a condition of any resource consent granted under clauses 6 (standard conditions for nationally significant infrastructure), 12 (earth disturbance for drainage discretionary activities) and 16 (water take activities – discretionary activity). The purpose of the monitoring is not clear, nor is the</p>	<p>Amend clause 5 by:</p> <ol style="list-style-type: none"> <li>1. Deleting the words “at least” from clause 5(1)(a);</li> </ol>

Provision	Comment	Relief sought
	<p>duration of the monitoring specified (i.e., how long is the consent holder expected to monitor the wetland condition for?). It also seems to duplicate the requirements in Clause 3.15(5) and (9) of the Draft NPS-FM. We consider that:</p> <ul style="list-style-type: none"> <li>• There is uncertainty of expression and purpose in subclause 5(1)(a) “...(a) monitor the condition of the wetland (in terms of, <b>at least</b>, ...)”. The phrase “at least” infers additional monitoring requirements.</li> <li>• The requirement to monitor nutrients is unnecessary, unreasonable and vague (i.e., nutrients is a broad term). Monitoring plant community composition can provide a more useful and cost-effective measure of nutrient changes/enrichment. This can also be done remotely, e.g., via aerial photography without the need for a costly field visit.</li> <li>• Subclause (5)(1)(c) requires a consent holder to, based on the monitoring results, “advise the regional council if the monitoring indicates a decline in the ecological condition of the wetland”. Notwithstanding the fact the terms “ecological condition” and “decline” are not defined, this will require the consent holder to engage a qualified wetland ecologist and hydrologist to interpret the monitoring results and determine whether the data indicates a decline in ecological condition of the wetland. This could impose significant costs on a consent holder (depending on the nature of the activity).</li> <li>• There is no outcome or action specified in the event deterioration or decline is detected and we also have concerns that there are multiple factors that could affect wetland condition beyond the control of a consent holder (such as droughts).</li> <li>• There should be a limit on the duration of wetland monitoring if the requirement is retained – it is unreasonable to expect a consent holder to monitor wetland condition indefinitely because of an activity with short-term effects (such as vegetation clearance or earthworks relating to new or existing nationally significant infrastructure.).</li> </ul>	<ol style="list-style-type: none"> <li>2. Deleting the requirement in clause 5 to monitor nutrients;</li> <li>3. Providing clear direction on how to determine if monitoring indicates a decline in ecological condition;</li> <li>4. Providing clear direction on how a decline in ecological condition should be responded to; and</li> <li>5. Specifying a limit on the duration of wetland monitoring obligation (if the requirement is retained).</li> </ol>

Provision	Comment	Relief sought
	<p>We reiterate that monitoring requirements should fairly and reasonably relate to the nature of the activity and be risk-based (vary in frequency and scale of monitoring in line with importance of a wetland and risk of activity to wetland condition). Rather than apply a generic requirement, we recommend the need for wetland monitoring associated with a consented activity should be left to the discretion of councils, especially given the potential for duplication given the requirements in Clause 3.15 of the NPS-FM for wetland inventorying / monitoring.</p>	
<p>Clauses 7 and 8</p>	<p>Clauses 7 and 8 classify vegetation destruction carried out in, or within ten metres of, any part of a natural wetland as discretionary and non-complying activities, respectively, depending on the nature of the activities. The basis for a ten-metre setback and the adverse effect(s) that it addresses are not clear and is not covered in the Interim Regulatory Impact Analysis for Consultation. If the current regime is retained, we recommend it be limited to wetlands over 0.2ha and/or identified as being ‘significant’ in a regional policy statement or plan.</p> <p>NRC highlights again that vegetation destruction is defined as “destroying any significant indigenous vegetation”, which in turn is not defined (hence making the rules vague and ambiguous). Significance should be site based i.e., significant wetlands or identified significant natural areas (i.e., RMA s6(c) areas).</p> <p>Clause 7 (and 10) could also cause a perverse outcome, namely disincentivising people to maintain and restore wetlands (because of the costs associated with resource consenting processes). An irony is 3.15(7) of the Draft National Policy Statement for Freshwater Management, which directs regional councils to “include objectives, policies, or methods in its regional policy statement and plans that provide for and encourage the restoration of natural inland wetlands in its region.” Therefore, we strongly recommend permitted and controlled activities for beneficial activities in natural wetlands such as wetland restoration and pest control.</p>	<p>Amend the Proposed NES by:</p> <ol style="list-style-type: none"> <li>1. Clarifying the purpose of ten-metre setback; and</li> <li>2. Including permitted activity rules for beneficial activities in natural wetlands and minor activities such as vegetation destruction associated with the construction of signage.</li> <li>3. Clarifying if clause 8 applies to livestock.</li> </ol>

Provision	Comment	Relief sought
	<p>The Draft SER require a five-metre setback from natural wetlands. It appears that vegetation destruction by livestock between five and ten metres from a wetland would be a non-complying activity. It appears that there is no benefit-cost analysis to support the setback. Any setback requirement should be based on robust evidence.</p>	
<p>Clause 9</p>	<p>The definition of earth disturbance in clause 9(b) should be amended by excluding earthworks associated with fencing (e.g., benching and tracking). Such activities should not be subject to consenting processes because they will be a disincentive to positive action.</p> <p>The definition should also exclude gardening because it is a relatively benign activity and to ensure consistent with the definition of earthworks in the National Planning Standards.</p>	<p>Amend the definition of earth disturbance by excluding earthworks associated with fencing (e.g., benching and tracking) and gardening.</p>
<p>Clauses 10 and 11</p>	<p>Clauses 10 and 11 apply to earth disturbance in, or within ten metres of, a natural wetland. It is not clear what the resource management purpose of the setbacks is. In other words, what adverse effects on natural wetlands are likely to occur as a result of earthworks within ten metres of a natural wetland? If the concern is sediment being discharged to the wetland then a far more reasonable approach is to permit earth disturbance within the ten-metre setback subject to conditions, including erosion and sediment control measures and areal or volumetric thresholds for exposed earth.</p> <p>Clause 12 for example requires that resource consents granted for general earth disturbance for the purposes of restoring a natural wetland to its natural hydrological regime must include the following condition: “best practice erosion and sediment control measures must be implemented for the duration of the land disturbance, and those measures must be installed before the start of the land disturbance and maintained until the site is stabilised against erosion.”</p> <p>Clauses 10 will also act as a disincentive to people who want to restore or maintain natural wetlands. It will also be an obstacle to implementing the stock exclusion regulations because resource consents will be often required for any earth disturbance (earthworks/vegetation clearance) within ten metres of a wetland – meaning fencing will</p>	<p>Amend clauses 10 and 11:</p> <ol style="list-style-type: none"> <li>1. Clarifying the purpose of the ten-metre setback; and changing the activity status of earthworks for any purpose within ten-metres of a natural wetland to a permitted or controlled activity subject to conditions.</li> </ol>

Provision	Comment	Relief sought
	<p>often require consent as a discretionary activity, especially in hill country where wetlands are often on valley floor surrounded by steeper land and fencing requires access by machinery and therefore tracks are needed.</p> <p>NRC considers that classifying earth disturbance for the construction of signage for educational or recreational purposes is unnecessarily restrictive.</p> <p>We consider that clauses 10 and 11 will impose significant, unnecessary costs on many people undertaking earth disturbance (as defined) and on regional councils.</p>	
Clauses 10 – 14	<p>Clauses 10 – 14 of the Proposed NES classify earth disturbance activities in, or within a distance of, a natural wetland as discretionary or non-complying activities. The term “earth disturbance” defined in the Proposed NES is different from the definitions of “land disturbance” and “earthworks” in the National Planning Standards<sup>19</sup>.</p> <p>Clause 2 of the Proposed NES provides for regional councils to include rules in their plans that are more stringent than required by the Proposed NES. We note that the purposes of the national planning standards are, inter alia, to (a) set out requirements or other provisions to achieve national consistency in policy statements and plans, (b) support implementation of a national environmental standard or regulations made under the RMA.<sup>20</sup> We also note that “National planning standards must...be consistent with national environmental standards...and regulations made under this Act”<sup>21</sup>. It is not clear if the first set of the National Planning Standards (Definitions Standard) will need to be amended to ensure that the relevant definitions are consistent. Regardless, if it is the Government’s intention to improve consistency in plan and policy statements’ format and content it would</p>	Amend the Proposed NES or the National Planning Standards to ensure consistent terminology.

<sup>19</sup> <https://www.mfe.govt.nz/sites/default/files/media/RMA/national-planning-standards.pdf>

<sup>20</sup> RMA s58B.

<sup>21</sup> RMA s58C

Provision	Comment	Relief sought
	be useful to ensure consistency between definitions in national regulations and standards and definitions in policy statements and plans.	
Clauses 12 and 13	<p>Clauses 12 and 13 state that engaging in earth disturbance for drainage in or within 100 m of any part of a natural wetland are discretionary activity and non-complying activities, respectively. Clause 12(2) also sets out several required conditions that will have significant associated costs. We consider that a discretionary activity status for earth disturbance for drainage within 100 metres of a natural wetland and the associated monitoring costs will be a major disincentive to people wanting to restore the hydrology of a natural wetland.</p> <p>NRC does not understand the reason for applying a blanket 100 metre setback in clauses 12 and 13 to earth disturbance for drainage within 100 metres of any part of a natural wetland. Is it based on the premise that drainage within 100 metres of a wetland will affect its hydrology? If so, this will not always be the case.</p> <p>The condition should be effects-based. For example: “Engaging in earth disturbance for drainage where the drainage will change the water levels in a wetlands is a controlled activity if it is undertaken for the purpose of restoring the natural wetland to its natural hydrological regime”.</p>	<p>Amend clause 12 by:</p> <ol style="list-style-type: none"> <li>1. Deleting the 100-metre setback and replacing it with a condition that is effects-based; and</li> <li>2. Changing the activity status to a controlled activity.</li> </ol> <p>Amend clause 13 by deleting the 100-metre setback and replacing it with a condition that is effects-based.</p>
Clauses 15-17	We are seeking clarification on whether clauses 15-17 apply to RMA s14(3)(b) water takes. We assume that it is the case.	Amend the Proposed NES by providing certainty that clauses 15-17 apply to RMA s14(3)(b) takes.
<i>Subpart 2 – River bed infilling</i>		
Clause 18	Clause 18 classifies the infilling of a bed of a river as either a discretionary or non-complying activity. (As an aside, the drafting convention differs from the previous subpart in that there are no standalone clauses for the discretionary and non-complying activities.)	<p>Amend the Proposed NES by:</p> <ol style="list-style-type: none"> <li>1. Inserting a definition of river bed infilling;</li> </ol>

Provision	Comment	Relief sought
	<p>The Proposed NES does not contain a definition for river bed infilling. Infilling is defined in the Concise Oxford Dictionary (Tenth Edition, Revised) as to “fill or block up (a space of a hole)”. For completeness (i.e., to avoid ambiguity in interpretation), we consider that subpart 2 should contain a definition for river bed infilling.</p> <p>Clause 18(2) states that “any residual adverse effects on the river must be offset to achieve a no net loss”. The term “no net loss” is not defined in subpart 2 or in the preceding part of the Proposed NES. Regardless, it is not clear how no net loss is to be determined. We have similar concerns about clause 18(2)(b) because it requires a person undertaking a river bed infilling activity to monitor the condition of the river to determine if the ecological condition of the river is declining. It is not clear what is meant by “the ecological condition of the river” and how a decline would be determined. This needs to be clarified.</p> <p>This could be clarified with the inclusion of offsetting and compensation principles, and national guidance on the use of offsetting, e.g., Biodiversity Offsetting under the Resource Management Act – A guidance document<sup>22</sup>.</p>	<ol style="list-style-type: none"> <li>2. Providing clear direction on what is meant by “no net loss” with respect to residual adverse effects on a river; and</li> <li>3. Providing clear direction on how the ecological condition of a river should/could be monitored and declines detected with respect to river bed infilling; or</li> <li>4. Deleting the terms “no net loss” and “ecological condition”.</li> </ol>
<i>Subpart 3 – River bed infilling</i>		
Clauses 19	Clause 19(1): We support this clause. The NES should not have the effect of requiring existing structures to obtain retrospective consents.	Retain clause 19(1)
Clause 21	Clause 21(1) permits the construction of a culvert that is fixed in or on the bed of a river, subject to a range of conditions. We consider that some of them will impose unnecessary costs and are not consistent with case law principles on conditions of permitted activity	Amend clause 21 by:

<sup>22</sup> Fleur Maseyk., Graham Ussher., Gerry Kessels., Mark Christensen., Marie Brown. September 2018. Biodiversity Offsetting under the Resource Management Act – A guidance document<sup>22</sup>. Prepared for the Biodiversity Working Group on behalf of the BioManagers Group: <http://www.lgnz.co.nz/assets/Uploads/7215efb76d/Biodiversity-offsetting-under-the-resource-management-act-full-document-....pdf>

Provision	Comment	Relief sought
	<p>rules, i.e., the Environment Court in its decision on Carter Holt Harvey vs Waikato Regional Council found that permitted activities must:<sup>23</sup></p> <ul style="list-style-type: none"> <li>• Be comprehensible to a reasonably informed, but not necessarily expert, person;</li> <li>• Not reserve to the council the discretion to decide by subjective formulation whether an activity is permitted or not; and</li> <li>• Be sufficiently certain to be capable of objective ascertainment.</li> </ul> <p>For example, clause 21(f) states that “the stream bed substrate is present over the full length of the culvert, and it is stable for at least four fifths of the time”. It is not clear how a reasonably informed, but not an expert, person will be able to be sufficiently certain in determining if the condition would be met/is being met.</p> <p>General stock exclusion requirement (a) in the Draft SER states that “Dairy and beef cattle, and pigs, are not permitted to cross waterbodies except by a dedicated culverted or bridged cross points (unless that crossing is no more than twice per month).” A wetland is a type of water body. However, the proposed NES does not provide for new stock crossings over wetlands (the culvert provisions in Clause 21 only apply to rivers). This means that the construction of a culvert in a wetland will be a non-complying activity (refer clause 11). And because of Policy 8 and Clause 3.15(2) of the NPS-FM (no further loss / degradation of wetlands) construction of a culvert in a wetland would, in effect, be precluded. This is another example of the Proposed NES, unintentionally, impeding the outcome sought by the stock exclusion regulations and inconsistencies between the proposals.</p> <p>Hill-country wetlands are often sited in valley floors and are therefore long and narrow, meaning some form of crossing is needed for farm vehicles and stock. The regulations should provide for this as a permitted activity.</p>	<ol style="list-style-type: none"> <li>1. Deleting vague and uncertain conditions in clause 21 (i.e., 21(1)(f) and (g));</li> <li>2. Permitting the construction of culverts in wetland for small-scale activities like stock and farm vehicle crossings; and</li> <li>3. Inserting a maximum culvert length as a condition of clause 21(1).</li> </ol>

<sup>23</sup> Carter Holt Harvey vs Waikato Regional Council A123/08

Provision	Comment	Relief sought
	A maximum permitted culvert length should be included to prevent stream piping as a permitted activity, e.g., a 25-metre culvert length.	
Clause 22	We consider that clause 22 is appropriate as it provides for fish passage while enabling a range of water use activities and wetland and river habitat restoration/enhancement.	Retain clause 22
Clause 23	Clause 23 is generally appropriate, however discretionary activity status would be more reasonable, and that would allow for regional council to be more stringent.	Retain clause 23 but change the activity status to a discretionary activity.
Clause 24	Clause 24 should be amended by excluding off-stream small dams because they are unlikely to affect fish passage.	Amend clause 24 by excluding off-stream dams from the scope of the clause.
<i>Part 3 – Farming</i>		
Clause 25	<p>Clause 25 contains definitions for Part 3 of the Proposed NES. NRC has several concerns as follows.</p> <p>A critical source area is defined as “a landscape feature such as a gully, swale, or depression that accumulates runoff from adjacent flats and slopes and delivers it to surface water body such as rivers and lakes, artificial waterways, and field tiles”. We consider that the definition does not accurately set out what a critical source area (CSA) is. A CSA is not constrained to areas that accumulate runoff. The identification of CSAs requires a much more nuanced approach. The United States Environmental Protection Agency has published guidance on the identification of CSAs, in which it defines CSAs as:<sup>24</sup></p> <p><i>...those areas within a watershed that contribute a disproportionately large amount of pollutants of concern to the identified water quality problems. They are generally</i></p>	<p>Amend the Proposed NES by:</p> <ol style="list-style-type: none"> <li>1. Replacing the definition of a critical source area with a more accurate definition;</li> <li>2. Inserting a definition of a milking platform;</li> <li>3. Changing the definition of low-slope land so that it applies to land with an average slope of less than 15 degrees at the sub-catchment scale (e.g., as done in the New Zealand Land Resource</li> </ol>

<sup>24</sup> United States Environmental Protection Agency. July 2018. Critical Source Area Identification and BMP Selection: Supplement to Watershed Planning Handbook. [https://www.epa.gov/sites/production/files/2018-08/documents/critical\\_source\\_area\\_identification\\_and\\_bmp\\_selection\\_final\\_5-11-18cover.pdf](https://www.epa.gov/sites/production/files/2018-08/documents/critical_source_area_identification_and_bmp_selection_final_5-11-18cover.pdf)

Provision	Comment	Relief sought
	<p><i>considered to be places where high-level pollutant sources overlap or interact with high pollutant transport potential</i></p> <p>The definition of a CSA in the proposed NES should be amended.</p> <p>The Proposed NES requires farm plans that address, among other things, stock management and exclusion (including assessment of appropriate setbacks), especially near waterbodies, drainage ditches, and riparian margins. We understand that such requirements are meant to complement the draft stock exclusion regulations. On that note, the definitions of dairy cattle in the draft stock exclusion regulations and the proposed NES are different. They should be the same.</p> <p>The definition of dairy support is pastoral farming where the animals grazed are dairy cattle not being milked that are grazed off the milking platform. A milking platform is not defined in the proposed NES. It should be.</p> <p>We strongly believe that the definition of low-slope land should be amended so that it applies to land classified as low slope at the sub-catchment scale (e.g., as done in the New Zealand Land Resource Inventory database), rather than at the land parcel scale. Mapping land based on the average slope of a parcel will not result in an effective or efficient stock exclusion framework. That is because the maps will be largely be a function of the size of the parcel.</p>	<p>Inventory database), rather than at the land parcel scale.</p> <p>Also, ensure that terms used in the Proposed NES, Draft SER and Draft NPS are consistent.</p>
Clause 26	<p>Clause 26 states that the application of Part 3 of the proposed NES applies to: (a) pastoral farming equal to or larger than 20 hectares, (b) arable farms equal to or larger than 20 hectares, and (c) horticulture farms equal to or greater than five hectares. This does not account for or reflect situations where production areas are less than these area thresholds, e.g., farms may have large tracts of bush meaning their activity areas are less than the thresholds. This issue could be addressed by amending the definition of a farm by expressly excluding land that is not used for production</p>	<p>Amend the definition of a farm by expressly excluding land that is not used for primary production purposes. We note that the definition of production land in the RMA may provide a useful starting point.</p>

Provision	Comment	Relief sought
<i>Subpart 1 – Livestock control</i>		
General point	Many of the clauses in subpart 1 are poorly drafted to the extent they are unenforceable, i.e., they will be difficult to interpret and monitor for compliance purposes, especially those that refer to the measurement of a parameter over a period of time (e.g., Cl 27(1)(a) “...more than 80 days in a 6 month period; Cl 29(1) “...30 days in a 12 month period.”), slope, which is variable (e.g., Cl 30(1)(a)), or a specific proportion of a farm (e.g., Cl 30(1)(b) and 30(1)(g) pugging depth over 50% of a paddock). Such clauses should be simplified for clarity and certainty.	Amend the NES-FW by deleting vague and uncertain conditions in clauses 27, 28, 29 and 30 that refer to duration of time, slope or a percentage of an area.
<i>Subpart 2 – Intensification</i>		
Clause 31	Clause 31(1) states that the requirements of subpart 2 only apply in freshwater management units where the NPS have not been fully implemented. Does this mean that the requirements of the subpart do not apply if freshwater management units have not been defined by a regional council? This seems to undermine the intent of the subpart which as we understand it is to apply controls on land use to ensure water quality is maintained in the interim and until water quality elements of the NPS-FM have been established in plans.  We also consider the apparent inconsistencies between how full implementation of the NPS is to be determined using clause 31(2) and clause 4.1 of the Draft NPS.	Amend clause 31 by clarifying if the requirements of subpart 2 do not apply if freshwater management units have not been defined.  Ensure that the direction on how councils must fully implement the NPS, including associated timeframes, is certain and consistent between clause 4.1 of the NPS and clause 32 of the NES.
Clause 32	It is unclear how the date 31 December 2030 relates to the proposed deadline (31 December 2025) for final decision on changes to policy statement and plan to give effect to the NPS. It is also unclear what the purposes of clauses 32(1) and (2) are. Both clauses refer to purposes of subpart 2, however subpart 2 does not contain any stated purposes.	Clarify the purposes of clause 32.
Clause 34	Clause 34 contains controls on increasing the amount of land used on a farm for irrigation. An increase of more than 10 hectares is a discretionary activity, with a required condition of	Do a thorough assessment of the benefits-costs of clause 34 in the section 32 report.

Provision	Comment	Relief sought
	<p>any granted consent limiting any increase in discharges of specified contaminants (see NRC’s comments on clauses 33-36 below). NRC questions the evidential basis for clause 34. It appears to be based on the premises that in all cases increasing the amount of irrigated land will result in more contaminant losses.</p> <p>NRC notes that Government is funding the Northland Storage and Use Project, which involves assessing the feasibility of a new water storage and irrigation scheme(s) in the Mid-North (around Kaikohe) and around Dargaville. A new scheme(s) would support the conversion of largely pastoral farming land to horticulture benefiting the social and economic status of local communities. Clause 34 is likely to frustrate a new water storage and irrigation scheme in Northland.</p>	
Clauses 33-36	<p>Clauses 33(3) (intensive winter grazing – discretionary activity), 34(3) (irrigated farming – discretionary activity), 35(4)(high-risk land use changes – discretionary activity), and 36(3) (land use change to commercial vegetable production – discretionary activity) state “[a]ny resource consent granted for the discretionary activity must include at least the following conditions:... c) the nitrogen phosphorus, sediment, or microbial pathogen discharges of the farm that will result from the increased land used will not exceed the average discharges of those contaminants from the farm during the farm year 2017/2018”.</p> <p>The condition on limiting average discharges of nitrogen, phosphorus, sediment and faecal microbial pathogens based on the farm year 2017/2018 is unimplementable. This was highlighted in the Government’s Interim Regulatory Impact Analysis:<sup>25</sup></p> <p><i>The Regional Sector Water Subgroup has raised concerns that this approach will be difficult for councils to monitor compliance with, and that for land-owners applying</i></p>	<p>Amend the Proposed NES by:</p> <ol style="list-style-type: none"> <li>1. Deleting clauses 33(3)(c), 34(3)(c), 35(4)(c), and 36(3)(c); and</li> <li>2. Inserting policy direction (or in the Draft NPS) on how applications for resource consents lodged under clauses 33, 34, 35 and 36 are to be considered.</li> </ol>

<sup>25</sup> Interim Regulatory Impact Analysis for Consultation: *Essential Freshwater*. Part II: Detailed Analysis. August 2019. Page p353

Provision	Comment	Relief sought
	<p><i>for consent will be challenging as it will be difficult to model changes in all contaminant discharges</i></p> <p>It is not clear how a landowner and a regional council will be able to retrospectively determine average discharges for the 2018/19 farm year. There are no tools to accurately record loads at paddock or property scale, and even Overseer is not currently appropriate for use as a regulatory tool,<sup>26</sup> particularly for some of Northland’s soil types.</p> <p>In absence of any such tool, it will be impossible for landowners and councils to benchmark, including for later comparison across, average discharges of all four contaminants from the 2017/18 farm year. Also, the Proposed NES and Draft NPS do not contain any policy direction on how an application for a resource consent should be assessed by regional councils.</p> <p>The Draft NPS will require regional councils to set target water quality attribute states that must be at or above the current state of each attribute water quality parameter. Regional councils will also be required to set limits on resource use to achieve the target attribute states. This means that regional councils will be required (at a minimum) to maintain water quality at its current state (as at the date the new NPS will come into force). In effect, the Proposed NES and Draft NPS, if enacted, are likely to preclude (or at least make it very difficult) for new uses and development of land that will result in increased loads of contaminants to water.</p> <p>It is important to note that Northland Regional Council is investing, with the assistance of funding from the Provincial Growth Fund, in the investigation of two regional water storage schemes that have the potential to increase land in horticulture by 10,000 hectares,</p>	

<sup>26</sup> Parliamentary Commissioner for the Environment. December 2018. Overseer and regulatory oversight: Models, uncertainty and cleaning up our waterways.; Gerard Willis and Caroline Read. 2018. Using Overseer in Water Management Planning. Prepared for Overseer by Enfocus Ltd.

Provision	Comment	Relief sought
	<p>creating an additional \$430 million in GDP and 5,600 jobs. The feasibility a scheme(s) could be jeopardised by the Proposed NES (and Draft NPS).</p> <p>We believe that the Government’s Regulatory Impact Analysis is inadequate in its assessment of the opportunity costs. It is not good enough for Government to state in relation to a proposal of such significance that:<sup>27</sup></p> <p><i>There are data limitations for measuring this proposal’s impact. The proposed intervention will restrict options for future behaviour, rather than impose immediate direct costs. Benefits (ie, to water quality) will be in the form of future costs avoided (ie, further water quality degradation).</i></p> <p><i>Estimating the actual or opportunity costs/benefits of the intervention therefore depends on understanding what future behaviour will be. This is heavily influenced by commodity prices and a range of other factors (including other Government policies affecting farmers).</i></p> <p>We are also concerned about the fairness of the proposed controls on intensification of land use: that is, it effectively ‘grandparents’ existing high dischargers rights and lower existing dischargers, owners of undeveloped Māori land, will be disproportionately adversely affected. This will be a significant issue in Northland. Conspicuously absent are similar controls on land use intensification resulting from urban development.</p>	
<i>Subpart 3 – Freshwater module of farm plans</i>		
General note	While NRC supports the requirement for farm plans, there are significant cost implications for landowners associated with implementing farm plans but there appears to be no merits review/objection process, i.e., how do landowners object to what could be major costs	Amend subpart 3 by specifying that the existing use of land for farming (notwithstanding other rules and

<sup>27</sup> Ibid. Page 344.

Provision	Comment	Relief sought
	<p>associated with implementation (e.g., planting trees and shrubs, retiring land, constructing wetlands and sediment traps, nutrient and effluent management, etc). There appears to be no ‘formal’ approval process or rights to challenge FEP requirements/actions? Also, how does a regional council challenge an inadequate FEP provided by an approved auditor (clause 41(7))? The absence of any merit’s review / objection process is at odds with natural justice, and because of the poor level of capacity and capability (including to provide robust recommendations on technical and subjective matters) it may undermine the proposed approach.</p> <p>We reiterate that it is not clear how any landowner or consent-holder (with respect to standards that require farm plans as conditions of resource consents, e.g., clause 27(3)) would be penalised for failing to secure an FW-FP, failing to audit an FW-FP, or failing to share the FW-FP with the relevant regional council.</p> <p>We are concerned about the costs to councils and the ability to recover costs if regional councils are required to administer, including potentially monitoring and enforcing compliance (which is unclear) with the farm plan requirements. Again, it is unclear how the requirements could be legally enforced, i.e., what mechanism is to be used if they are not subject to /part of a resource consent or permitted activity condition?</p> <p>We consider that farm plans should be approved under a consenting process, which has the associated process for objections/challenges to decisions.</p>	<p>regulations for farming activities) is a controlled activity provided the landowner/farm manager has a farm plan by the relevant deadline. With matters of control being the content and quality of the farm plan and monitoring requirements. The duration of the consent would be limited to a specified period, and would end if a farm was to be sold/leased.</p>
Clause 37	<p>While NRC supports a requirement for farm plans, it needs to be risk-based and farm plans need to be tailored to the key water quality issues in a catchment/freshwater management unit. There will be real inefficiencies if farm plans are required in areas with only minor water quality issues on the same timeframe as those where urgency is needed. What’s more, timeframes must be reasonable and central government needs to significantly increase its investment in developing capacity and capability to deliver farm plans and support for catchment interventions such as wetland construction and riparian plants.</p>	<p>Amend the Proposed NES by:</p> <ol style="list-style-type: none"> <li>1. Allowing councils to take a risk-based approach by targeting farm plans to priority areas and providing flexibility to target contaminants of primary concern</li> </ol>

Provision	Comment	Relief sought
	<p>Farm plans should target those contaminants necessary to achieving target attribute states, which are required to be set in accordance with clause 3.9 of the Draft NPS. Based on the current situation and reasonably foreseeable future, there is not the capacity of capability to develop a farm for every farm in the country by 31 December 2025. If Government intends to require every farm in the country to get a certified farm plan, then the deadline should be extended to 2030.</p> <p>Extending the deadline from December 2025 to December 2030 is necessary to provide time to develop capacity and capability (attracting and training people, and creating digital data and reporting systems) and ensure plans are robust (which is the recommendation contained in Government’s Interim Regulatory Impact Analysis.<sup>28</sup></p> <p>We also consider that the requirement for farms in the Kaipara catchment that are on highly erodible land (HEL) to have a certified farm plan within two years is completely unrealistic. We consider that 2025 is a more appropriate deadline and significant government support is required. It is estimated that the cost associated with preparing farm plans to all pastoral farms within the catchment is \$11 million over ten years<sup>29</sup>. The cost of implementing the actions to address sediment in the catchment is estimated to be \$255 million over ten years<sup>30</sup>. The actions include fencing, spaced popular pole planting on HEL, riparian planting, wetland construction, and some afforestation.</p> <p>There are an estimated 1,500 farm landowners across the Kaipara catchment, and most have some highly erodible land (80,910ha). It takes approximately two weeks to develop a farm plan, at an average cost of around \$5,000. Currently, with ten land management</p>	<p>(e.g., those that require action to meet target attribute states);</p> <ol style="list-style-type: none"> <li>2. Clarifying if clause 37(2) applies to all farms (as defined in clauses 25 and 26) that are not captured by clause 37(1);</li> <li>3. Extending the deadline for farms in the Kaipara Catchment to 31 December 2025;</li> <li>4. Extending the deadline for other farms (clause 37(2)) to 31 December 2030;</li> </ol> <p>And provide significantly more financial support for developing and implementing farm plans.</p>

<sup>28</sup> Interim Regulatory Impact Analysis for Consultation: Essential Freshwater. Part II: Detailed Analysis. Page 279

<sup>29</sup> Martin Jenkins, 05 September 2019. Kaipara Moana Remediation: Indicative Business Case.

<sup>30</sup> Ibid.

Provision	Comment	Relief sought
	<p>advisors, NRC can deliver approximately 120 relatively simple farm plans per year, meaning it could take around 16 years to deliver all the farms needed (if all NRC’s land management advisors focused solely on the Kaipara catchment). (NRC is the largest extension farm planning service in Northland with very little capacity in the private sector.) This clearly highlights the need for a just transition and financial support from Government.</p>	
<p>Clause 38</p>	<p>Clause 38(3) states that the “risk assessment part of the FW-FP must identify and assess the risk of contaminant losses from the farm, <b>with consequent impacts on freshwater ecosystem health</b>, associated with any of the following activities carried out on the farm:” [our emphasis].</p> <p>We oppose the requirement to assess the effects on ecosystem health. Farm plans should be tailored and focussed on mitigating contaminant losses from the farm, not the effects of those contaminants instream on ecosystem health, as the latter is asking something far more advanced than trained FW-FP advisors can deliver upon. Predicting effects on ecosystem health, and other water quality dependent values, is complex.</p> <p>There is confusing ambiguity in the draft NES. Clause 38(1)(j) implies that only farms in Schedule 1 catchments must develop a nitrogen loss reduction action plan, in accordance with subclause 38 (5). However, clause 38(5) reads as a universal obligation.</p>	<p>Amend the Proposed NES by:</p> <ol style="list-style-type: none"> <li>1. Deleting the requirement in clause 38(3) to assess impacts on freshwater ecosystem health; and</li> <li>2. Clarifying whether clause 38(5) applies to all farms.</li> </ol>
<p><i>Subpart 4 – Nitrogen cap</i></p>		
<p>General notes</p>	<p>Subpart 4 requires the use of Overseer to determine nitrogen loss figures for low-slope pastoral farming and all dairy farming.</p> <p>We object to the proposed requirement to use Overseer to calculate nitrogen loss figures and threshold values. Overseer is not proven in hearings and is not suitable as a regulatory compliance tool. The Parliamentary Commissioner for the Environment recommended that it should not be used in a regulatory context at this stage. The PCE also concluded that Overseer is: (a) a poorly constructed representation of real processes, with gross</p>	<p>Amend the Proposed NES by deleting subpart 4.</p>

Provision	Comment	Relief sought
	<p>uncertainties (&gt;50%); (b) it fails to recognise attenuation between farm and waterway; and, (c) lacks international credibility.</p> <p>We note that the Government has committed \$40 million to ‘improve’ Overseer, therefore it acknowledges it is not ‘fit for purpose. Yet Government has issued a Proposed NES that, if subpart 4 is adopted, relies on Overseer in a regulatory context within a likely timeframe of 6-9 months once the NES is put into effect.</p> <p>We also note that the consequences of non-performance with the proposed requirements are not specified. If they are meant to include regional council enforcement action, then the lack of certainty of Overseer means that there could never be proof beyond reasonable doubt. The proposed subpart 4 is unenforceable.</p>	
<p>Clause 42</p>	<p>Subpart 4 will only apply to low-slope pastoral farming and all dairy farming in the Schedule 1 catchments. That is, it does not apply to other types of farming, including horticulture in those catchments.</p> <p>We question the intervention logic for including the Waipao Stream Catchment in Schedule 1. The Interim Regulatory Impact Analysis states the Nitrogen Cap proposal:</p> <p><i>...is an interim measure targeted at those catchments <b>where a significant benefit can be gained through a quick-acting instrument</b> – high nitrogen-impacted catchments. We have considered two options: using data from water quality monitoring sites; and using an approach that compares the actual load in the catchment with the acceptable load to meet NOF nitrogen concentration bottomlines, and takes account of the sensitivity of the receiving environment (eg, residence times in estuaries). ...The former approach was therefore used to establish an initial set of catchments, using a threshold value for total nitrogen concentrations in monitoring data. The set of target catchments has been further refined by removing those where council limits and rules are already in place or proposed to</i></p>	<p>Amend the Proposed NES by deleting subpart 4 and Schedule 1.</p> <p>Delete tables 4 and 5 from the Draft NPS-FM.</p>

Provision	Comment	Relief sought
	<p><i>reduce high nitrogen discharges, and those where the <b>major source of nitrogen is from horticultural and arable land uses.</b> [our emphasis]</i></p> <p>The Waipao Stream catchment is dominated by horticulture. NRC understands that there is only one dairy farm in the catchment and our research has yet to pinpoint the source(s) of nitrogen.</p> <p>We also consider that the proposed attributes for DIN and DRP are based on a set of potentially spurious correlations, where other inter-correlated drivers of ecosystem health are ignored (see the Regional Sector critique of the STAG DIN and DRP attributes, which is part of Local Government New Zealand’s submission on the Government’s freshwater management reform proposal)s.</p> <p>We strongly consider that the DIN and DRP attributes should be deleted from the Draft NPS. Subpart 4 and Schedule 1 of the Proposed NES should also be deleted.</p> <p>If it is retained in Schedule, we oppose the option in Subpart 4 (Nitrogen Cap) being pursued, and we recommend any intervention be focused on the potential source area rather than the entire catchment. If there is a critical source area of nitrogen in the catchment then there is limited benefit in imposing nutrient caps and controls across the entire catchment.</p>	
<b>Draft Stock Exclusion Section 360 Regulations</b>		
<i>Information notes</i>		
Note 1	<p>Note 1 states that the “proposals will not apply to rivers less than one metre wide.” However, small rivers (i.e., streams) often vary in width with some reaches being less than one metre wide but other reaches points can be wider than one metre. It is unclear if the stock exclusion requirements will apply to parts of rivers that are less than one metre wide.</p>	<p>Amend the Draft SER by:</p> <ol style="list-style-type: none"> <li>1. Clarifying whether the stock exclusion requirements will apply to parts of rivers that are less than one metre wide;</li> </ol>

Provision	Comment	Relief sought
	<p>Also, it is not clear how the width of a river is to be determined (e.g., is it to be measured from bank-to-bank – the space of land which the waters of the river cover at its fullest flow without overtopping its banks?).</p> <p>The draft regulations apply to continually and intermittently flowing streams and rivers, but not ephemeral streams. However, the draft regulations do not contain a definition of an ephemeral stream. This is likely to cause uncertainty when implementing the stock exclusion requirements. We note that the Interim Regulatory Impact Analysis states:<sup>31</sup></p> <p><i>There are also issues of practicality to consider. Intermittently flowing streams and rivers can contain water for large parts of the year and during that time stock access represents a considerable risk to values. Whether a stream is intermittent or permanent will often only be known to the landowner (and may vary year to year).</i> [emphasis added].</p> <p>This highlights the need for certainty around what constitutes an ephemeral stream (versus an intermittent or permanent stream).</p> <p>We also consider that the regulations should apply to stock access to farm drains containing water in lowland areas which are greater than 1 metre wide at any point. It is counterintuitive to not exclude livestock from such waterways as they flow into waterbodies and coastal waters. Although the requirement may not be practical in some regions (e.g., West Coast).</p> <p>Drains, in many landscape, settings contain water for large parts of the year and are often closely linked to wetlands and streams and frequent stock access represents a considerable risk to values.</p>	<ol style="list-style-type: none"> <li>2. Stating how the width of a river is to be determined;</li> <li>3. Including a definition of an ephemeral stream; and</li> <li>4. Requiring livestock to be excluded from farm drains (&gt;1 metre wide) in lowland/non-low-slope land that contain water.</li> </ol>

<sup>31</sup> Interim Regulatory Impact Analysis of Consultation. Part II: Detailed Analysis. August 2019. Page 384

Provision	Comment	Relief sought
Note 2	<p>Note 2 states that the “regulations would apply only to high-risk pastoral activities (feeding stock in irrigated pasture or fodder crops) or land with a base carrying capacity of the stated stocking rates. The base carrying capacity is a proxy for the stock the land could carry in an unimproved state.”</p> <p>NRC considers that using a carrying capacity criteria as the basis for requiring exclusion of livestock from water bodies will not work. That is, the process for assessing base carrying capacity is complex<sup>32</sup> and as such it will be difficult to monitor and enforce (and it appears that the Government is also unsure how base carrying capacity will be determined: the Draft SER states that “We are seeking feedback on the appropriate methodology for calculating base carrying capacity.”). The Crown Pastoral Land Act 1998 provides a detailed assessment methodology and a dispute resolution framework for determining carrying capacity of pastoral leases. In particular, subsections 23H(6) and (7) provide for award of costs associated with the dispute resolution framework.</p> <p>It is not clear who would be responsible for costs associated with challenging base carrying capacity for stock exclusion requirements and the disputes resolution process.</p> <p>We consider that references to base carrying capacity be deleted on the basis that it appears to be unenforceable – it is also likely to lead to unproductive disputes and inconsistent application of the regulations. We recommend all references to carrying capacity and stock units/ha be deleted from the regulations and instead stock exclusion in non-low-slope land on be required for beef cattle, dairy support and deer where they are break feeding or on fodder crops.</p>	<p>Amend the Draft SER by:</p> <ol style="list-style-type: none"> <li>1. Deleting all references to base carrying capacity;</li> <li>2. Only requiring beef cattle, dairy support and deer to be excluded from water bodies in non-low-slope areas where they are being break fed or are grazing on fodder crops.</li> </ol>

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<sup>32</sup> Note that the Rules for Assessment of Carrying Capacity of Crown Pastoral Land (Rents for Pastoral Leases) issued by the Valuer-General under s 230 of the Crown Pastoral Land Act 1998 (Act) spans 80 pages.

Provision	Comment	Relief sought
Note 4	<p>Note 4 states that Government is “seeking feedback on appropriate criteria for allowing exemptions from the regulations, for example, a river cannot feasibly be fenced.” General stock exclusion requirement (c) states that “[l]andowners may seek an exemption from stock exclusion requirements, or an extension of the phase-in timeframes.” However, the draft regulations do not set out the process by which an exemption could be applied for and considered. It also does not specify the decision-making body that would be responsible for considering and granting/declining applications for exemptions. What is more, it is unclear what the dispute resolution process would be if a person would want to challenge a decision.</p>	<p>Amend the Draft SER by:</p> <ol style="list-style-type: none"> <li>1. Specifying the process by which an application for an exemption could be sought, including the responsible agency and dispute resolution process; and</li> <li>2. Specifying who would incur the costs for the application process.</li> </ol>
<i>General stock exclusion requirements</i>		
Requirement b)	<p>NRC considers that requirement (b) may be unreasonable and it could deter landowners and industry and sector groups from taking voluntary proactive measures to address contaminant discharges (because such measures may be undermined in the future by way of rules and regulations).</p> <p>It is not clear where the setback should be measured from (e.g., the wet edge of a river or the bank or a river), this make a huge difference in many landscape settings and a big difference to the mind set of farmers that have already allocated a considerable amount of resource on fencing.</p>	<p>Ensure that any requirement for a setback to be based on sound evidence and that a thorough benefit-cost analysis is undertaken (including an assessment of the impacts that shifting existing fences).</p>
Requirement (c)	<p>The requirement provides an opportunity for people to “seek an exemption from stock exclusion requirements, or an extension of the phase-in timeframes”. However, the process by which an exemption would be sought, considered, and granted or declined is not clear. Nor is it clear as to how any conditions of an exemption would be applied or enforced. We assume that regional councils would be responsible for considering applications for exemptions and that the associated costs would be recoverable (from the applicants). We</p>	<p>Include the stock exclusion provisions in the National Environmental Standards for Freshwater as a restricted discretionary activity and the matters of discretion for allowing exemptions.</p>

Provision	Comment	Relief sought
	<p>are seeking clarification on these matters. A possible solution would be to include stock exclusion rules in the NES-FW whereby exceptions would be subject to the resource consent process (and therefore a clear process with 'merits' review / objection procedures and ability to impose enforceable conditions and costs would be recoverable for councils).</p>	<p>Specify the process, including the dispute resolution process, for applying for and considering applications for exemptions.</p> <p>Specify the decision-maker (i.e., a regional council) for considering applications.</p>
<p>Requirement (d)</p>	<p>Requirement (d) sets out definitions of words and terms in the draft regulations. We comment on some of these as follows, noting that some of the definitions are addressed separately in other parts of our submission.</p> <p>Dairy cattle are defined as “cattle farmed for milk production...[including] dairy cattle not being milked (young animals or mixed-aged cows) that are grazed off the milking platform either temporarily or throughout the year”. Dairy support cattle are defined as “dairy cattle that are not being milked (young animals or mixed-aged cows) that are grazed off the milking platform (i.e., the area devoted to feeding dairy cows on a daily basis during the milking season) either temporarily or throughout the year.” So, as defined, dairy support cattle are the same as dairy cattle, yet the requirements for stock exclusion from rivers (&gt;1 m wide) and lakes on non-slope-land for dairy cattle and dairy support cattle are different. The uncertainty arising from the definitions of dairy cattle and dairy support should be resolved.</p> <p>Effective hectare is defined in the draft regulations as “the area of a farm on which animals are grazed.” However, the term is not used anywhere else in the draft regulations, nor is it used in the Crown Pastoral Land Act 1998 or The Rules for Assessment of Carrying Capacity of Crown Pastoral Land (Rents for Pastoral Leases) 21 December 2012. It seems that the definition is redundant.</p> <p>Low-slope land and non-low-slope land is land that is classified on the NES mapping tool based on the average slope of land at the parcel scale. Classifying land based on average slope at the parcel scale is flawed. That is because average slope is largely a function of the</p>	<p>Clarify the apparent inconsistency between the definitions of dairy cattle and dairy support.</p> <p>Delete the term “effective hectare” because it appears to be redundant.</p> <p>Amend the terms “low-slope land” and “non-low-slope” land by replacing the reference to average slope at the parcel scale (based on 5, 7, or 10 degrees) with an average sub-catchment slope of ≤15 degrees and &gt;15 degrees, respectively, as set out in the New Zealand Land Resource Inventory database (or similar).</p> <p>Clarify how the minimum and average setback distances will apply to natural barriers to stock access to water.</p> <p>Insert a definition of a constructed wetland.</p>

Provision	Comment	Relief sought
	<p>size of parcels and does not account for the slope of the broader landscape. Boundaries of parcels can change with potential consequential changes to average parcel slope. Any subdivision of land (or boundary adjustment) would require a reassessment of the slope class which is completely impractical and imposes unnecessary process costs associated with the maps. What is more:</p> <ul style="list-style-type: none"> <li>• The boundaries of the land parcels and titles are a human construct and open to change and manipulation and reflect historic land purchases and development.</li> <li>• The approach is a postcode lottery, creating situations where neighbouring landowners are subject to different requirements even though they are on the same street, farming similar land with the same stock classes and similar slopes.</li> <li>• There are also likely to be perverse outcomes where a river/stream running through various properties will be 'intermittently' fenced as a result of arbitrary slope classifications although landform/slope is comparatively uniform (i.e., a stream fenced on one side but not the other or fenced upstream but not downstream).</li> <li>• The mapping approach appear to 'clip out' woody vegetation using LUCA's 2016 datasets. This appears to be a mistake. For example, Northland has countless remnants, or regenerating, native vegetation adjacent to waterways.</li> </ul> <p>NRC considers that low-slope land and non-low-slope land should be based on average slope as set out in the New Zealand Land Resource Inventory database (or similar), where average slope is assessed at the sub-catchment scale. NRC also suggests that a threshold of 15 degrees average slope should be used to distinguish between low-slope and non-low-slope. This, in NRC's view, is inherently understood by landowners as a natural division between slope classes as it is generally accepted as the upper limit for the operation of farm vehicles, noting fencing typically relies on vehicle access. A landowner could apply for an exemption by way of an application for a resource consent if she/he considers that the map is not accurate.</p>	

Provision	Comment	Relief sought
	<p>The draft regulations defined a setback as “the distance from the edge of the bed [or edge of the wetted bed] to the exclusion mechanism (e.g., a fence) as averaged across each river or lake on a property.” There are two obvious issues with the definition. First, the definition of a setback only applies to rivers and lakes, yet the regulations require setbacks from wetlands. Second, it will be difficult to monitor compliance with a requirement for a setback averaged over each river or lake – or property. NRC notes the regulations do not specifically require a fence and instead just require stock to be effectively excluded – conceivably this could occur as a result of a natural barrier, but it is also unclear how the setbacks would apply in this instance – for example where a natural barrier effectively excluded livestock would setback requirements still apply? And if so, would an exception be required? Also, there is the potential for livestock to graze up to the edge of a natural barrier (i.e., cliff) and cause of contribute to erosion.</p> <p>The definition of a wetland in the draft regulations excluded constructed wetlands. However, the draft regulations do not define what a constructed wetland is. This needs to be addressed. NRC also notes that the draft National Policy Statement for Freshwater Management and the proposed National Environmental Standards for Freshwater use the terms “natural wetlands” and “constructed wetlands”.</p>	
<i>Stock exclusion from waterways on low-slope land and non-low-slope land</i>		
<p>Tables 1 and 2 (pages 3 and 4)</p>	<p>The draft regulations require certain types of livestock to be excluded from wetlands and requires the form of exclusion to be setback five metres on average across a property with a minimum width of one metre. The requirement applies to all wetlands as defined, regardless of size, and would apply to induced wetlands such as roadside drains that support species that are adapted to wet conditions. The requirement is impractical and will be cost-prohibitive.</p>	<p>Amend the Draft SER by:</p> <ol style="list-style-type: none"> <li>1. Deleting the requirement for beef cattle, deer and dairy support cattle to be excluded from wetlands in non-low-slope areas (or “strongly rolling” to “very steep” as shown in the NZLRI</li> </ol>

Provision	Comment	Relief sought
	<p>While there are benefits associated with fencing hill country wetlands there are several significant limitations/impracticalities, including:</p> <ul style="list-style-type: none"> <li>• Significant cost for fencing and water reticulation;</li> <li>• The earthworks / tracking required to provide access for machinery in many cases;</li> <li>• Disturbance to farming system;</li> <li>• Very difficult, and sometimes dangerous, fencing;</li> <li>• Land stability and longevity of fences (wetlands grow);</li> <li>• The, often marginal, biodiversity benefits and the relative tolerance of hill country wetlands to effects of stock due to the nature of hill country farming.</li> </ul> <p>It is important to note however that most wetlands in Northland hill country tend to be swamps and seeps. Seeps are smaller and relatively rare in comparison to swamps and are always associated with sloping ground. Swamps are high fertility systems and due to predominant vegetation types (e.g., raupō) are more resilient to the effects of stock access than other wetland types (e.g., bogs and fens). For this reason, we have doubts about the water quality merits of a five-metre average setback applying to wetlands and concerned at the significant opportunity cost this presents.</p> <p>In 2017, NRC did an analysis of the costs associated with excluding beef cattle from natural wetlands in hill country areas (land with an average slope of &gt;15 degrees as mapped in the NZLRI database). A summary of the analysis is set out in Appendix 1 of this submission. NRC selected six representative beef farms in hill country areas and manually digitised (mapped in GIS) the area and perimeter of wetlands on the farms. The total perimeter of natural wetlands on each farm was multiplied by a fencing cost (\$/m) and divided by the mean farm profit per hectare before tax. We also assumed that none of the wetlands are fenced, which is largely true for most beef farms. The average cost of excluding livestock from the natural wetlands on each of the six farms using a non-electric 8-wire fence is approximately \$359,000 and \$143,000 using a 2-wire electric fence. The costs ranged between approximately \$49,000 and \$1 million (using 8-wire non-electric fences) and approximately</p>	<p>database), unless beef cattle and dairy support cattle are being break fed or are grazing on fodder crops.</p> <ol style="list-style-type: none"> <li>2. Including a minimum size for wetlands in low-slope areas.</li> <li>3. Changing the deadline for excluding livestock from wetlands to 1 July 2030 (excluding any new pastoral system).</li> <li>4. Including direction on which wetland types should be prioritised for livestock exclusion.</li> <li>5. Deleting references to stock units / carrying capacity for beef, dairy support and deer in non-low-slope.</li> </ol>

Provision	Comment	Relief sought
	<p>\$20,000 and \$400,000 (using a 2-wire electric fence). The estimated average annual cost of fencing as a proportion of farm profit before tax was 10% if the farms were 'hill country farms' and 46% if they were 'hard hill country farms' (see Table 2 in Appendix 1 for more details).</p> <p>While these need to be considered as indicative figures, particularly because of the small sample size, they do indicate the magnitude of the likely fencing costs to landowners under the proposed regulations if exemptions will not be granted by the council. NRC is of the view that this is an unacceptable financial burden to place on landowners.</p> <p>NRC believes that Government's Interim Regulatory Impact Analysis is inadequate because, among other reasons, it does not assess the economic costs of requiring livestock to be excluded from all wetlands regardless of their size. NRC considers that beef cattle, deer and dairy support should not be required to be excluded from wetlands in non-low-slope wetlands in non-low-slope areas (or "strongly rolling" to "very steep" as shown in the NZLRI database), unless beef cattle and dairy support cattle are being break fed or are grazing on fodder crops.</p> <p>NRC also considers that the regulations should apply to wetlands greater than a certain size (e.g., &gt;2000 m<sup>2</sup>, or 0.2 ha) in low-slope land. That is the approach NRC has taken in its Proposed Regional Plan and it aligns with the National Environmental Standards for Plantation Forestry.</p> <p>NRC also considers that:</p> <ul style="list-style-type: none"> <li>• The timeframe to exclude beef, dairy support and deer from wetlands in non-low-slope land (1 July 2023) is unrealistic given the likely costs outlined above and the sheer scale of the task. We consider application of a wetland size threshold of 0.2ha and a timeframe of 2030 is more realistic albeit still challenging.</li> <li>• Small wetlands should not be prioritised over larger in first instance. Implementing change should be through a prioritised approach in the interests of the significance</li> </ul>	

Provision	Comment	Relief sought
	<p>of adverse effects on water quality and aquatic ecosystems, habitats and species. It is easier to identify and map larger wetlands, enabling an inventory of wetlands to be more robustly determined and regulations more easily assessed for compliance. We suggest priorities are also based on wetland values and classes/type (e.g., swamps, saltmarsh, wet heathland, etc).</p> <ul style="list-style-type: none"> <li>• The references to stock units / carrying capacity for beef, dairy support and deer in non-low-slope land should be deleted – these provisions are too complex, likely to lead to disputes and inconsistent application of the regulations. NRC does however support the requirement to exclude these stock classes from waterbodies while break feeding or on fodder crops.</li> <li>• Government should clarify responsibilities and procedural issues around monitoring and enforcing compliance with the national regulations, including recovery of costs associated with doing so.</li> </ul>	
Other	It is not clear who would will be responsible for monitoring and enforcing compliance with the national regulations, including recovery of costs associated with doing so.	Amend the Draft SER by clarifying responsibilities and procedural issues around monitoring and enforcing compliance with the national regulations, including recovery of costs associated with doing so.

## 4 Other proposals

### 4.1 *New planning process for freshwater through amending the RMA*

NRC could support the proposed planning process for freshwater that is the subject of the RMA Amendment Bill if it remains entirely optional whether a council utilises the panel of commissioners or not. NRC would have significant concerns if the panel were to be compulsory as this could undermine local decision making and mean local knowledge (either cultural, environmental, economic or procedural knowledge) was not considered or accorded appropriate weight. NRC therefore strongly recommends this be an option rather than mandatory. NRC also disagrees with the provision for an independent hearing panel on a freshwater plan change to make recommendations on other matters outside the scope of submissions on the plan change. That provision should be deleted.

### 4.2 *Updating the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010.*

NRC supports updating the regulations by requiring real-time electronic reporting of data from all water meters on consented takes (5 L/s or more) to councils for all consents currently captured by the Regulations. We note that the Interim Regulatory Impact Analysis states:<sup>33</sup>

*Gisborne, Northland, Bay of Plenty and West Coast cover a significant area, yet have relatively few consents that are captured by the Regulations. Without the economies of scale available due to relatively few water users, these regions may find it difficult to implement the Regulations without assistance via collaboration with other regions.*

NRC welcomes Government's assistance.

### 4.3 *Better managing stormwater and wastewater*

We support the proposals in principle, but we need to see the detail of the proposals in order to provide meaningful feedback. The proposals are very light in detail.

## 5 Conclusion

NRC is grateful for the opportunity to comment on the Essential Freshwater Reform package. NRC's goals for improving water quality are well aligned with Government goals. However, we have several significant concerns with Government's proposals. They include:

1. New use and development, including the removal of Maori landowner rights to further develop their land, being stifled;
2. Costs of remediation of environmental damage being transferred from taxpayers to ratepayers. Water quality degradation is largely the result of a legacy of land use which was historically supported by the Government and from which the Government has benefited;
3. Significant additional costs being imposed on councils and ratepayers which are unrelated to actual environmental work or outcomes;

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<sup>33</sup> Interim Regulatory Impact Analysis for Consultation: *Essential Freshwater*. Part II: Detailed Analysis. August 2019. Page 369.

4. The development of unsubstantiated policy that lacks a robust scientific evidence base;
5. Poorly drafted policy documents that conflict with each other, causing legislative uncertainty meaning local government will have to spend large sums to resolve them through the courts; and
6. Tight timeframes to implement complex Government policy direction.

This will all contribute to significant increases in rates and the loss of opportunity that will hit our poorest communities the hardest. The cost of doing the real work required to improve our environmental outcomes will be high enough as it is, without the added burden of spending time and money on work that will result in no or little benefit.

Signed on behalf of Northland Regional Council

A handwritten signature in black ink, appearing to read 'Malcolm Nicolson', with a long horizontal flourish extending to the right.

Malcolm Nicolson (Chief Executive Officer)

Dated: 31 October 2019

## Appendix 1 – Managing livestock access to wetlands in Northland hill country

There are approximately 250,000 hectares of pasture in Northland's hill country (land with an average slope of >15°)<sup>34</sup>, which is about 42% of the region's pasture. Beef + Lamb New Zealand categorise North Island sheep and beef farms into three classes: hard hill country, hill country and intensive finishing<sup>35</sup>. The distribution of total North Island sheep and beef farms in these three classes is 18%, 60% and 22% respectively. Distributions are not available for Northland. The classes are described as follows:

- Hard hill country is defined as steep hill country or low fertility soils and with low stocking rates;
- Hill country is defined as easier hill country or higher fertility soils than hard hill country with low to moderate stocking rates; and
- Intensive finishing farms are defined as easy contour farmland with the potential for high production.

The 2012 Statistics New Zealand Agricultural Production Census found that there were 1,308 specialised beef farms (>20 ha) and 216 sheep and beef farms (>20 ha) in the region. We do not know what the current numbers are, but it is reasonable to assume that they have not changed significantly in the last seven years<sup>36</sup>.

We also think it is reasonable to assume that the Northland distribution of the farms in the three classes is similar to the North Island distribution. This would mean that approximately 75% of the 1,524 specialised beef farms and sheep and beef farms in the region (1,143 farms) are in hill country areas (that is, not including intensive finishing).

In Northland, the three farm classes were estimated to have mean farm profit of \$193, \$343 or \$664<sup>37</sup>, respectively, per hectare before tax.

Northland Regional Council's land management team selected six representative beef farms in hill country areas and manually digitised (mapped in GIS) the area and perimeter of wetlands on the farms. This was done as a desktop exercise using very recent high-resolution aerial and oblique imagery but was not ground-truthed. The six farms were selected to represent the main soil types in Northland<sup>38</sup>.

The total perimeter of natural wetlands on each farm was multiplied by a fencing cost (\$/m) and divided by the mean farm profit per hectare before tax. We also assumed that none of the wetlands are fenced, which is largely true for most beef farms. The average cost of excluding livestock from the natural wetlands on each of the six farms using a non-electric 8-wire fence is approximately \$359,000 and \$143,000 using a 2-wire electric fence. The costs ranged between approximately \$49,000 and \$1 million (using 8-wire non-electric fences) and approximately \$20,000 and \$400,000 (using a 2-wire electric fence). See Table 1

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<sup>34</sup> Based on land mapped by the council that is defined as having a dominant slope greater than 15 degrees. The areas were mapped using the NZLRI database at a 1:50,000 scale.

<sup>35</sup> <http://beeflambnz.com/farm-classes/>

<sup>36</sup> The total number of beef cattle in Northland has decreased from 380,719 in 2012 to 356,823 in 2016.

<sup>37</sup> <http://www.beeflambnz.com/information/on-farm-data-and-industry-production/benchmarking-data/>

<sup>38</sup> The sample size was also limited because of time constraints.

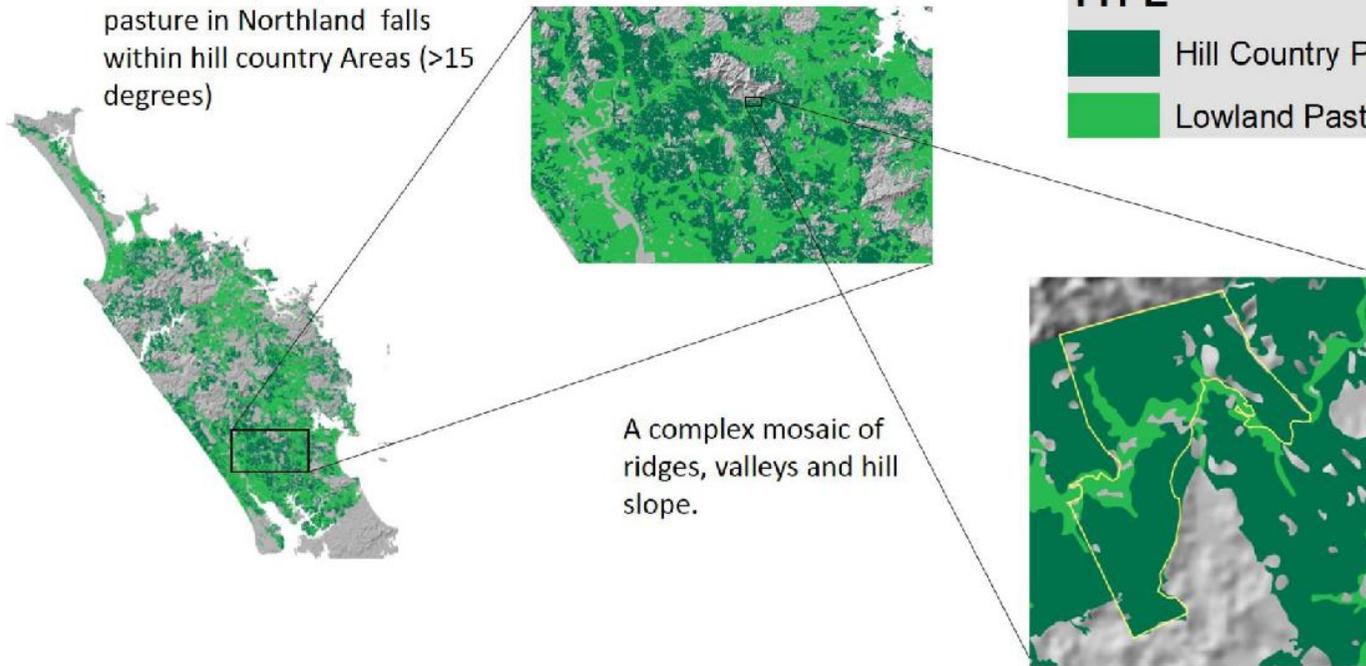
attached for more details. Although we note that obtaining access to electricity in hill country areas is often impractical.

The estimated average annual cost of fencing as a proportion of farm profit before tax was 10% if the farms were hill country farms and 46% if they were hard hill country farms (see Table 2 attached for more details). While these need to be considered as indicative figures, particularly because of the small sample size, they do indicate the magnitude of the likely fencing costs to land owners under the current rule if exemptions will not be granted by the council.

As an aside, the average proportion of wetland of the area of the six hill country beef farms is 5% and the average length of fencing per hectare of wetland is approximately 1100m. Assuming these figures are true for all of Northland's hill country pasture area (250,000 hectares), then the cost of excluding livestock from all natural wetlands in the area would be approximately \$79 million or \$198 million depending on the type of the fence (2-wire electric or non-electric 8-wire). Notably this does not include additional costs associated with earthworks / tracking or the opportunity costs of lost production land associated with the 5m average setback – nor would it include consenting costs arising as a result of the proposed NES rules restricting land disturbance within 10m of a wetland, which is often required to fence hill country.

# Hill Country Pasture

250,000 ha (42%) of all  
pasture in Northland falls  
within hill country Areas (>15  
degrees)



A complex mosaic of  
ridges, valleys and hill  
slope.

## Examples of Seepage wetland



*Landcorp Omamari seepage wetland on low fertility hill country soils.*

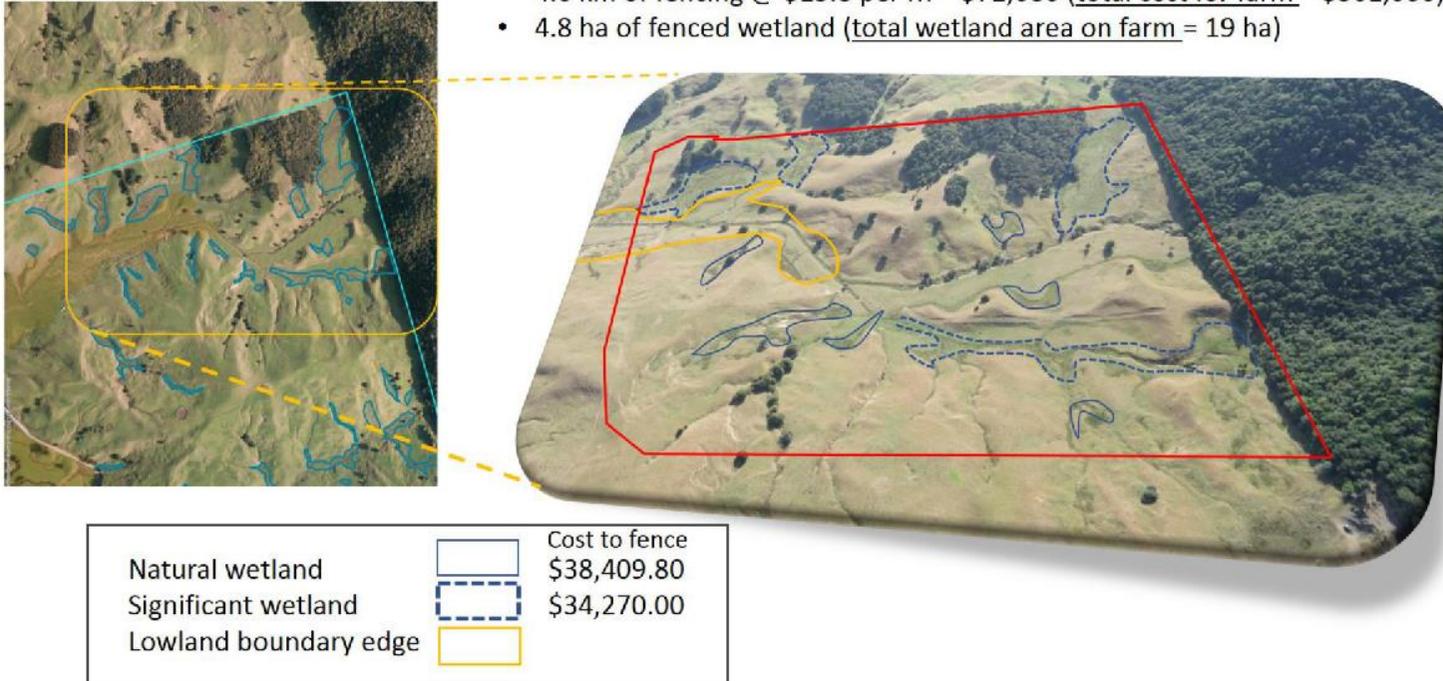
## Example hill country wetlands and fencing



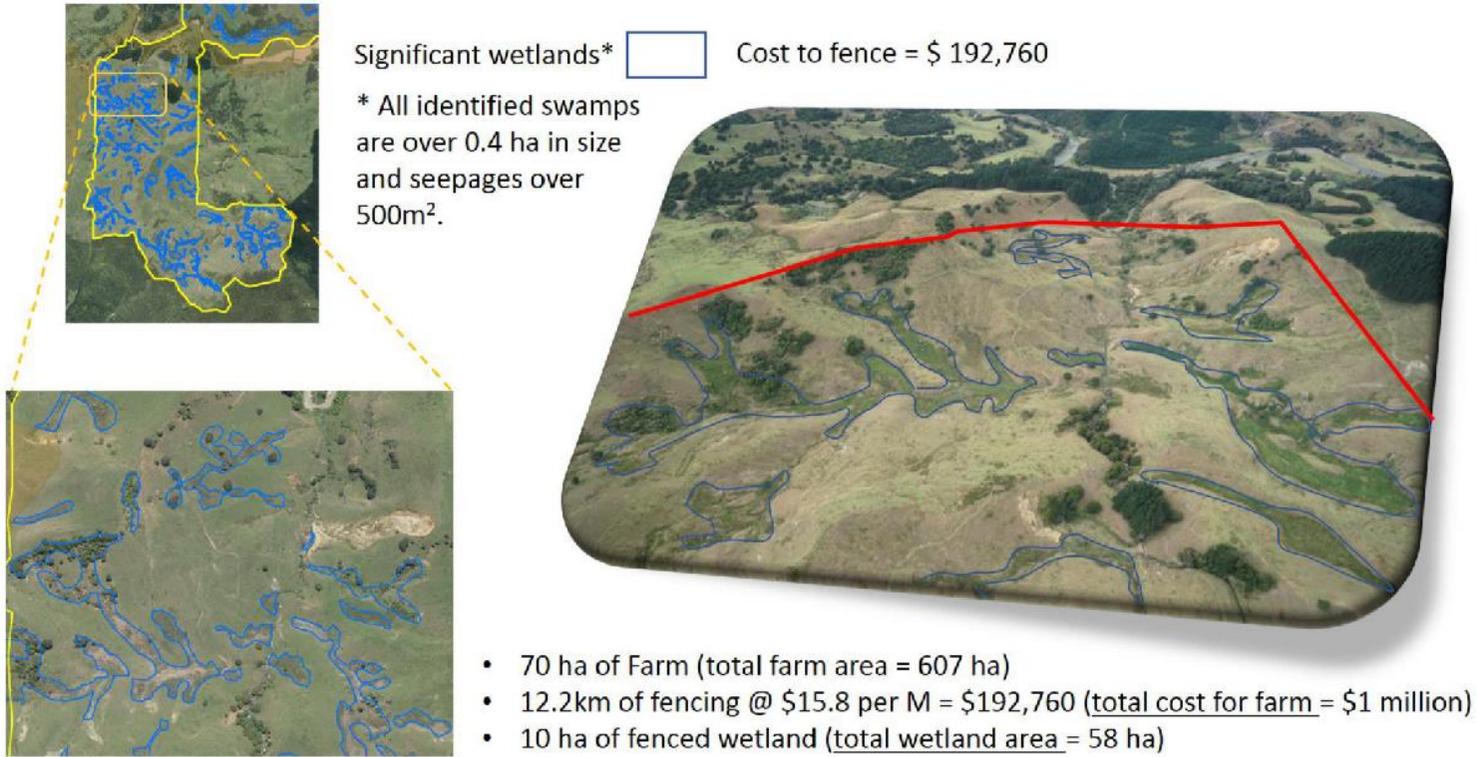
- Landcorp Kapiro Station
- Degraded swamp
- Significant earthworks required

## Farm One: Mudstone (Waiotira)

- 40 ha of Farm including 5 ha of bush (total farm area = 495 ha)
- 4.6 km of fencing @ \$15.8 per M = \$72,680 (total cost for farm = \$361,000)
- 4.8 ha of fenced wetland (total wetland area on farm = 19 ha)



## Farm Two: Mature Semi-volcanic



## Farm Three: Young Volcanics

		Cost to fence
Natural wetland		\$ 71,036.8
Significant wetland		\$ 41,143.2

- 52 ha of Farm including 2 ha of woodlot (total farm area = 487 ha)
- 7.1 km of fencing @ \$15.8 per M = \$112,180 (total cost for farm = \$269,058)
- 4.5 ha of fenced wetland. (total wetland area = 10 ha)



Table 1. Estimated total cost of fencing natural wetlands located on hill country on six representative farms

Farm Number	Generalised soil type	Total area of farm (ha)	Area of farm defined as hill country (ha)	Share of total farm defined as hill country (%)	Area of hill country determined to be natural wetland (ha)	Share of hill country determined as natural wetland (%)	Length of fencing required to fence off wetlands (m)	Average length of fencing per hectare of wetland (m)	Total cost of fencing off wetlands <sup>1</sup>	
									Lower bound - based on \$6.30 per metre (\$)	Upper bound - based on \$15.80 per metre (\$)
1	Waaitira (mudstone)	495	420	85%	19.0	5%	22,826	1,201	\$143,804	\$350,651
2	Mature Semi Volcanics	607	570	94%	58.0	10%	63,859	1,101	\$402,310	\$1,008,569
3	Young Volcanics	487	479	98%	10.0	2%	17,029	1,703	\$107,283	\$259,058
4	Weathered Greywacke	1,001	637	64%	28.0	4%	24,270	857	\$152,901	\$383,466
5	Sand country (Baylys Beach)	510	361	71%	4.5	1%	3,082	670	\$19,417	\$48,696
6	Greywacke (Marua)	132	112	85%	4.8	4%	5,891	1,123	\$33,963	\$85,178
Average		539	430	80%	20.7	5%	22,743	1,097	\$143,280	\$359,336

**Notes:**

1. Lower bound is Electric 2 wire on steep terrain; Upper bound is Non electric 8 wire fence on steep terrain.

**Sources:**

The Agribusiness Group (2016), "Ministry for Primary Industries Stock Exclusion Costs Report", MPI Technical Paper No. 2017/11, Table 5, p.18.

<http://www.mpi.govt.nz/document/vault/15537>

Table 2. Estimated annual cost of fencing natural wetlands located on hill country on six representative farms

Farm Number	Generalised soil type	Annual cost of fencing off wetlands <sup>1</sup>		Annual cost as a share of farm profit before tax <sup>2</sup>	
		Lower bound (\$)	Upper bound (\$)	Lower bound (%)	Upper bound (%)
1	Waaitira (mudstone)	\$19,132	\$47,933	11%	50%
2	Mature Semi Volcanics	\$53,526	\$134,235	26%	115%
3	Young Volcanics	\$14,274	\$35,797	10%	24%
4	Weathered Greywacke	\$20,343	\$51,019	6%	26%
5	Sand country (Bailys beach)	\$2,583	\$6,479	1%	7%
6	Greywacke (Marua)	\$4,519	\$11,333	10%	44%
Average		\$19,063	\$47,808	10%	46%

**Notes:**

1. Assumes total cost of fencing is funded by bank borrowing at 6% paid back over fortnightly over 15 years.

2. Lower bound based on an average hill country farm profit before tax of \$342.85/ha; upper bound based on average hard hill country farm profit before tax of \$193.14/ha.

**Sources:**

Beef + Lamb New Zealand - Economic Service: Sheep and Beef Farm Survey Analysis

[www.beeflambnz.com/information/farm-data-and-industry-production/benchmarking-data/](http://www.beeflambnz.com/information/farm-data-and-industry-production/benchmarking-data/)

## Appendix 2 – A comparison of NRC monitoring data with the proposed attribute states in the Draft NPS

Table 1 – Attributes requiring limits – rivers (Appendix 2A Draft NPS)

Key	
	A
	B
	C
	D
ND	No Data
ID	Insufficient data
*	Reference site

Site Name	Periphyton (Trophic state) chl-a/m <sup>2</sup>	Median DIN mg/L	DIN 95th %ile	Median Dissolved Reactive Phosphorus (g/m <sup>3</sup> -P)	Percentile (95) of Dissolved Reactive Phosphorus	Median Ammoniacal Nitrogen pH (discrete)	Max. Ammoniacal Nitrogen pH (discrete) Adjusted	Median Nitrate Nitrogen (g/m <sup>3</sup> -N)	Percentile (95) of Nitrate Nitrogen (g/m <sup>3</sup> -N)	Suspended fine sediment - Turbidity (FNU)
Awanui at FNDC	C	0.042	0.192	0.018	0.028	0.007	0.019	0.037	0.155	ND
Awanui at Waihue Channel	ND	0.091	0.528	0.039	0.098	0.059	0.638	0.043	0.251	ND
Hakaru at Topuni	D	0.226	0.562	0.059	0.094	0.019	0.097	0.22	0.448	ND
Hatea at Mair Park	A	0.423	0.658	0.012	0.023	0.006	0.02	0.41	0.656	ND
Kaeo at Dip Road	A	0.039	0.185	0.008	0.017	0.003	0.025	0.028	0.188	ND
Kaihu at Gorge	B	0.21	0.42	0.008	0.011	0.004	0.016	0.2	0.357	ND
Kerikeri at Stone Store	B	0.365	0.693	0.01	0.063	0.007	0.063	0.395	0.631	ND
Mangahuru at Apotu Road	ND	0.322	0.572	0.027	0.059	0.017	0.059	0.315	0.463	ND
Mangahuru at Main Road	A	0.17	0.402	0.012	0.017	0.003	0.006	0.18	0.403	ND
Mangakahia at Titoki	ND	0.113	0.453	0.014	0.026	0.009	0.052	0.105	0.387	ND
Mangakahia at Twin Bridges	B	0.043	0.253	0.009	0.013	0.007	0.023	0.047	0.197	ND
Mangamuka at Iwitaua Road	A	0.01	0.079	0.034	0.042	0.003	0.009	0.007	0.089	ND
Manganui at Mititai Road	ND	0.156	0.593	0.036	0.073	0.015	0.063	0.15	0.445	ND

Site Name	Periphyton (Trophic state) chl-a/m <sup>2</sup>	Median DIN mg/L	DIN 95th %ile	Median Dissolved Reactive Phosphorus (g/m <sup>3</sup> -P)	Percentile (95) of Dissolved Reactive Phosphorus	Median Ammoniacal Nitrogen pH (discrete)	Max. Ammoniacal Nitrogen pH (discrete) Adjusted	Median Nitrate Nitrogen (g/m <sup>3</sup> -N)	Percentile (95) of Nitrate Nitrogen (g/m <sup>3</sup> -N)	Suspended fine sediment - Turbidity (FNU)
Mangere at Knight Road	ND	0.52	1.414	0.048	0.255	0.02	0.659	0.555	1.2	ND
Ngunguru at Coalhill Lane	B	0.144	0.305	0.015	0.024	0.003	0.005	0.14	0.28	ND
Opouteke at Suspension Bridge	C	0.104	0.424	0.009	0.014	0.005	0.018	0.13	0.402	ND
Oruru at Oruru Road	ND	0.041	0.224	0.026	0.039	0.008	0.062	0.032	0.205	ND
Otaika at Otaika Valley Road	B	1.117	1.669	0.021	0.036	0.012	0.06	0.985	1.49	ND
Punakitere at Taheke	C	0.392	0.644	0.023	0.047	0.006	0.08	0.375	0.618	ND
Ruakaka at Flyger Road	B	0.446	1.294	0.095	0.171	0.018	0.125	0.465	0.975	ND
Utakura at Okaka Bridge	ND	0.165	0.291	0.012	0.03	0.007	0.176	0.18	0.459	ND
Victoria at Victoria Valley Road	A	0.009	0.093	0.02	0.028	0.004	0.008	0.009	0.127	ND
Waiarohia at Second Avenue	B	0.353	0.658	0.014	0.02	0.004	0.196	0.36	0.663	ND
Waiharakeke at Stringers Road	D	0.146	0.454	0.016	0.032	0.008	0.038	0.06	0.37	ND
Waimamaku at SH12	A	0.01	0.059	0.006	0.009	0.003	0.01	0.013	0.025	ND
Waiotu at SH1	ND	0.29	0.827	0.021	0.055	0.009	0.119	0.26	0.736	ND
Waipao at Draffin Road	B	2.611	3.392	0.034	0.056	0.005	0.122	2.55	3.5	ND
Waipapa at Landing	C	0.295	0.49	0.006	0.013	0.007	0.025	0.27	0.42	ND
Waipoua at SH12 *	A	0.021	0.099	0.007	0.009	0.003	0.005	0.017	0.042	ND
Wairua at Purua	ND	0.438	1.076	0.034	0.06	0.03	0.066	0.36	0.885	ND
Waitangi at Waimate North Road	A	0.331	0.547	0.007	0.018	0.004	0.025	0.395	0.477	ND
Whakapara at Cableway	ND	0.261	0.681	0.027	0.049	0.013	0.054	0.235	0.667	ND
Aurere at Pekerau Road	ND	0.056	0.296	0.044	0.086	0.008	0.012	0.048	0.208	ND
Hatea at Whangarei Falls	ND	0.392	0.573	0.012	0.015	0.012	0.036	0.38	0.543	ND
Kenana at Kenana Road	ND	0.036	0.133	0.022	0.032	0.003	0.006	0.033	0.117	ND
Mangakino at Mangakino Lane	A	0.184	0.26	0.011	0.016	0.004	0.05	0.18	0.25	ND
Mangakino U/S Waitaua Confluence	ND	0.229	0.346	0.013	0.019	0.009	0.093	0.22	0.319	ND

Site Name	Periphyton (Trophic state) chl-a/m <sup>2</sup>	Median DIN mg/L	DIN 95th %ile	Median Dissolved Reactive Phosphorus (g/m <sup>3</sup> -P)	Percentile (95) of Dissolved Reactive Phosphorus	Median Ammoniacal Nitrogen pH (discrete)	Max. Ammoniacal Nitrogen pH (discrete) Adjusted	Median Nitrate Nitrogen (g/m <sup>3</sup> -N)	Percentile (95) of Nitrate Nitrogen (g/m <sup>3</sup> -N)	Suspended fine sediment - Turbidity (FNU)
Mangapiu at Kokopu Road	ND	0.579	1.805	0.2	0.457	0.004	0.012	0.575	1.24	ND
Mangere at Kara Road	ND	0.447	0.76	0.015	0.022	0.007	0.022	0.44	0.731	ND
Mangere at Kokopu Road	ND	0.45	0.811	0.029	0.045	0.005	0.048	0.445	0.76	ND
Mangere at Wood Road	ND	0.471	0.785	0.015	0.02	0.006	0.141	0.465	0.754	ND
Mania at SH10	ND	0.174	0.421	0.02	0.028	0.009	0.024	0.165	0.371	ND
Oruaiti at Sawyer Road	B	0.014	0.08	0.012	0.016	0.004	0.012	0.01	0.067	ND
Oruaiti at Windust Road	B	0.05	0.36	0.012	0.02	0.012	2.027	0.038	0.336	ND
Otaika at Cemetery Road	ND	1.409	1.937	0.018	0.028	0.009	0.015	1.4	1.9	ND
Otakaranga at Otaika Valley Road	ND	0.069	0.641	0.011	0.018	0.007	0.044	0.062	0.572	ND
Paranui at Paranui Road	ND	0.037	0.193	0.008	0.012	0.004	0.008	0.033	0.174	ND
Parapara at Parapara Toatoa Road	ND	0.027	0.078	0.01	0.013	0.004	0.105	0.023	0.05	ND
Parapara at Taumata Road	ND	0.039	0.134	0.013	0.021	0.01	0.03	0.029	0.081	ND
Pekepeka at Ohaeawai	B	0.343	0.543	0.01	0.013	0.003	0.003	0.34	0.51	ND
Peria at Honeymoon Valley Road	ND	0.031	0.058	0.05	0.06	0.004	0.006	0.027	0.05	ND
Puera at SH1	ND	0.283	0.99	0.018	0.037	0.013	0.1	0.27	0.625	ND
Raumanga at Bernard Street	ND	1.108	1.33	0.016	0.023	0.008	0.01	1.1	1.3	ND
Stony at Sawyer Road	A	0.052	0.193	0.013	0.023	0.005	0.005	0.047	0.164	ND
Waiarohia at Whau Valley	B	0.464	0.77	0.016	0.024	0.009	0.026	0.455	0.744	ND
Waiaruhe at Puketona	B	0.295	0.531	0.012	0.019	0.005	0.076	0.29	0.484	ND
Waiaruhe D/S Mangamutu Confluence	B	0.455	0.77	0.008	0.014	0.055	0.067	0.4	0.556	ND
Waipapa at Waimate North Road	A	0.123	0.519	0.016	0.038	0.003	0.021	0.12	0.45	ND
Waitangi at SH10	A	0.266	0.468	0.009	0.015	0.006	0.038	0.26	0.418	ND
Waitaua at Vinegar Hill Road	ND	0.555	0.763	0.011	0.015	0.005	0.013	0.55	0.714	ND
Watercress at SH1	C	0.812	1.176	0.031	0.04	0.002	0.007	0.81	1.14	ND

Site Name	Periphyton (Trophic state) chl-a/m <sup>2</sup>	Median DIN mg/L	DIN 95th %ile	Median Dissolved Reactive Phosphorus (g/m <sup>3</sup> -P)	Percentile (95) of Dissolved Reactive Phosphorus	Median Ammoniacal Nitrogen pH (discrete)	Max. Ammoniacal Nitrogen pH (discrete) Adjusted	Median Nitrate Nitrogen (g/m <sup>3</sup> -N)	Percentile (95) of Nitrate Nitrogen (g/m <sup>3</sup> -N)	Suspended fine sediment - Turbidity (FNU)
Waitangi at Wakelins	ND	0.232	0.495	0.009	0.022	0.007	0.035	0.225	0.45	ND

**Note:** Data from Jan 2014 - Dec 2019 except for chl a (results taken from Kilroy & Stoffels, 2019)

Table 2 – *E.coli* attribute requiring limits - rivers (Appendix 2A Draft NPS)

Key	
	A
	B
	C
	D
	E
ID	Insufficient data
*	Reference site

Site Name	% E coli exceedances over 540 E coli/100ml	% E coli exceedances over 260 E coli/100ml	Median Escherichia coli (MPN/100ml)	Percentile (95) of Escherichia coli (MPN/100ml)	Attribute State
Awanui at FNDC	33	58	309	10,645.70	E
Awanui at Waihue Channel	35	50	264	12,297.80	E
Hakaru at Topuni	23	32	147.5	24196	E
Hatea at Mair Park	38	58	301	9410.6	E
Kaeo at Dip Road	25	57	508	6571.8	E
Kaihu at Gorge	23	33	180	6,187.95	E
Kerikeri at Stone Store	30	53	285.5	24,196.00	E
Mangahuru at Apotu Road	25	67	355	7,584.85	E
Mangahuru at Main Road	37	63	455	5276.9	E
Mangakahia at Titoki	ID	ID	254.5	20,488.35	E
Mangakahia at Twin Bridges	20	45	201	4626.8	E
Mangamuka at Iwitaau Road	33	63	335.5	2762.7	E
Manganui at Mitiwai Road	ID	ID	127.5	3,163.20	E

Site Name	% E coli exceedances over 540 E coli/100ml	% E coli exceedances over 260 E coli/100ml	Median Escherichia coli (MPN/100ml)	Percentile (95) of Escherichia coli (MPN/100ml)	Attribute State
Mangere at Knight Road	68	92	666.5	35,733.50	E
Ngunguru at Coalhill Lane	ID	ID	340.5	12,085.85	E
Opouteke at Suspension Bridge	43	72	170	1,735.00	E
Oruru at Oruru Road	27	53	286	14,050.00	E
Otaika at Otaika Valley Road	40	83	480.5	16,193.15	E
Punakitere at Taheke	12	23	354.5	16,051.35	E
Ruakaka at Flyger Road	35	62	508	24196	E
Utakura at Okaka Bridge	40	67	250	5826.9	E
Victoria at Victoria Valley Road	ID	ID	173	1,314.00	E
Waiarohia at Second Avenue	ID	ID	434.5	9,963.65	E
Waiharakeke at Stringers Road	ID	ID	249	14,010.60	E
Waimamaku at SH12	25	52	286.5	1,826.40	E
Waiotu at SH1	25	55	355	14620.2	E
Waipao at Draffin Road	58	85	676.5	11,848.85	E
Waipapa at Landing	20	33	200.5	10,180.25	E
Waipoua at SH12 *	45	83	63	1,604.35	E
Wairua at Purua	30	70	153	39,334.20	E
Waitangi at Waimate North Road	8	17	305	17,582.40	E
Whakapara at Cableway	20	35	275.5	20,079.65	E
Aurere at Pakerau Road	ID	ID	ID	ID	ID
Hatea at Whangarei Falls	ID	ID	ID	ID	ID
Kenana at Kenana Road	ID	ID	ID	ID	ID
Mangakino at Mangakino Lane	ID	ID	ID	ID	ID
Mangakino U/S Waitaua Confluence	ID	ID	ID	ID	ID

Site Name	% E coli exceedances over 540 E coli/100ml	% E coli exceedances over 260 E coli/100ml	Median Escherichia coli (MPN/100ml)	Percentile (95) of Escherichia coli (MPN/100ml)	Attribute State
Mangapiu at Kokopu Road	ID	ID	ID	ID	ID
Mangere at Kara Road	ID	ID	ID	ID	ID
Mangere at Kokopu Road	ID	ID	ID	ID	ID
Mangere at Wood Road	ID	ID	ID	ID	ID
Mania at SH10	ID	ID	ID	ID	ID
Oruaiti at Sawyer Road	ID	ID	ID	ID	ID
Oruaiti at Windust Road	ID	ID	ID	ID	ID
Otaika at Cemetery Road	ID	ID	ID	ID	ID
Otakaranga at Otaika Valley Road	ID	ID	ID	ID	ID
Paranui at Paranui Road	ID	ID	ID	ID	ID
Parapara at Parapara Toatoa Road	ID	ID	ID	ID	ID
Parapara at Taumata Road	ID	ID	ID	ID	ID
Pekepeka at Ohaeawai	ID	ID	ID	ID	ID
Peria at Honeymoon Valley Road	ID	ID	ID	ID	ID
Puwera at SH1	ID	ID	ID	ID	ID
Raumanga at Bernard Street	ID	ID	ID	ID	ID
Stony at Sawyer Road	ID	ID	ID	ID	ID
Waiarohia at Whau Valley	ID	ID	ID	ID	ID
Waiaruhe at Puketona	ID	ID	ID	ID	ID
Waiaruhe D/S Mangamutu Confluence	ID	ID	ID	ID	ID
Waipapa at Waimate North Road	ID	ID	ID	ID	ID
Waitangi at SH10	ID	ID	ID	ID	ID
Waitaua at Vinegar Hill Road	ID	ID	ID	ID	ID
Watercress at SH1	ID	ID	ID	ID	ID

Site Name	% E coli exceedances over 540 E coli/100ml	% E coli exceedances over 260 E coli/100ml	Median Escherichia coli (MPN/100ml)	Percentile (95) of Escherichia coli (MPN/100ml)	Attribute State
Waitangi at Wakelins	20	33	180	2 985	F

**Note:** Data from Jan 2014 - Dec 2019 except for chl a (results taken from Kilroy & Stoffels, 2019)

Table 3 – Attributes requiring action plans (Appendix 2B Draft NPS)

Key	
	A
	B
	C
	D
ND	No Data
ID	Insufficient data
*	Reference site

Site Name	Macroinvertebrates QMCI	Macroinvertebrates MCI	Macroinvertebrates ASPM	Fish IBI	Deposited Fine Sediment	Min. Dissolved Oxygen (mg/L)	Ecosystem metabolism
Awanui at FNDC	4.2	90	0.37	ND	ND	6.6	ND
Awanui at Waihue Channel	4.0	65	0.21	ND	ND	5.7	ND
Hakaru at Topuni	3.8	60	0.25	ND	ND	8.6	ND
Hatea at Mair Park	4.1	73	0.28	ND	ND	3.8	ND
Kaeo at Dip Road	4.5	97	0.30	ND	ND	6.6	ND
Kaihu at Gorge	3.9	91	0.37	ND	ND	7.6	ND
Kerikeri at Stone Store	3.7	76	0.24	28	ND	8.3	ND
Mangahuru at Apotu Road	4.0	74	0.21	32	ND	6.9	ND
Mangahuru at Main Road	4.8	115	0.45	ND	ND	8.1	ND
Mangakahia at Titoki	4.0	89	0.33	ND	ND	7	ND
Mangakahia at Twin Bridges	3.5	80	0.33	36	ND	6	ND
Mangamuka at Iwitaua Road	5.5	109	0.41	ND	ND	7.2	ND
Manganui at Mititai Road	4.0	71	0.15	ND	ND	1.6	ND

Site Name	Macroinvertebrates QIMCI	Macroinvertebrates MCI	Macroinvertebrates ASPM	Fish IBI	Deposited Fine Sediment	Min. Dissolved Oxygen (mg/L)	Ecosystem metabolism
Mangere at Knight Road	4.0	80	0.25	ND	ND	5.5	ND
Ngunguru at Coalhill Lane	4.6	93	0.39	44	ND	8.6	ND
Opouteke at Suspension Bridge	3.3	82	0.30	ND	ND	6.3	ND
Oruru at Oruru Road	4.1	99	0.27	ND	ND	5.7	ND
Otaika at Otaika Valley Road	4.2	99	0.42	38	ND	7.7	ND
Punakitere at Taheke	3.9	82	0.37	ND	ND	5.5	ND
Ruakaka at Flyger Road	5.7	94	0.31	44	ND	6	ND
Utakura at Okaka Bridge	3.9	68	ND	ND	ND	5.7	ND
Victoria at Victoria Valley Road	5.6	106	0.42	50	ND	8	ND
Waiarohia at Second Avenue	3.9	74	0.22	44	ND	7.8	ND
Waiharakeke at Stringers Road	4.8	79	0.37	ND	ND	7.3	ND
Waimamaku at SH12	4.1	94	0.28	ND	ND	6.2	ND
Waiotu at SH1	3.9	78	0.24	ND	ND	6.7	ND
Waipao at Draffin Road	4.3	101	0.40	ND	ND	7.9	ND
Waipapa at Landing	2.8	59	0.15	ND	ND	7.4	ND
Waipoua at SH12 *	8.0	133	0.61	ND	ND	7.7	ND
Wairua at Purua	4.0	52	0.20	ND	ND	3.8	ND
Waitangi at Waimate North Road	6.2	95	0.48	24	ND	8.2	ND
Whakapara at Cableway	4.0	87	0.27	ND	ND	7.5	ND
Aurere at Pekerau Road	4.0	82	ID	ND	ND	1.8	ND
Hatea at Whangarei Falls	3.9	68	ID	ND	ND	7.6	ND
Kenana at Kenana Road	4.7	92	ID	ND	ND	4	ND
Mangakino at Mangakino Lane	4.6	105	ID	ND	ND	8.7	ND

Site Name	Macroinvertebrates QIMCI	Macroinvertebrates MCI	Macroinvertebrates ASPM	Fish IBI	Deposited Fine Sediment	Min. Dissolved Oxygen (mg/L)	Ecosystem metabolism
Mangakino U/S Waitaua Confluence	4.1	82	ID	ND	ND	6	ND
Mangapiu at Kokopu Road	3.0	61	ID	ND	ND	ND	ND
Mangere at Kara Road	5.6	98	ID	ND	ND	ND	ND
Mangere at Kokopu Road	5.6	100	ID	ND	ND	ND	ND
Mangere at Wood Road	3.3	76	ID	ND	ND	4.7	ND
Mania at SH10	4.1	78	ID	ND	ND	2.1	ND
Oruaiti at Sawyer Road	4.0	116	0.70	ND	ND	4	ND
Oruaiti at Windust Road	3.5	88	ID	ND	ND	3.8	ND
Otaika at Cemetery Road	4.0	74	ID	ND	ND	6.6	ND
Otakaranga at Otaika Valley Road	4.0	79	ID	ND	ND	2.9	ND
Paranui at Paranui Road	4.7	83	ID	ND	ND	3	ND
Parapara at Parapara Toatoa Road	4.8	93	ID	ND	ND	4.9	ND
Parapara at Taumata Road	3.9	89	ID	ND	ND	0.6	ND
Pekepeka at Ohaeawai	3.8	82	ID	ND	ND	3.7	ND
Peria at Honeymoon Valley Road	7.5	113	ID	ND	ND	6.6	ND
Puweru at SH1	3.5	68	ID	ND	ND	0.4	ND
Raumanga at Bernard Street	3.7	73	ID	ND	ND	8.6	ND
Stony at Sawyer Road	4.4	87	ID	38	ND	2.6	ND
Waiarohia at Whau Valley	3.7	83	ID	ND	ND	7.7	ND
Waiaruhe at Puketona	3.5	94	0.60	ND	ND	4.5	ND
Waiaruhe D/S Mangamutu Confluence	6.8	102	ID	16	ND	3.5	ND
Waipapa at Waimate North Road	4.1	85	ID	ND	ND	4.3	ND
Waitangi at SH10	4.1	96	0.60	ND	ND	5.3	ND

Site Name	Macroinvertebrates QIMCI	Macroinvertebrates MCI	Macroinvertebrates ASPM	Fish IBI	Deposited Fine Sediment	Min. Dissolved Oxygen (mg/L)	Ecosystem metabolism
Waitaua at Vinegar Hill Road	3.9	76	ID	ND	ND	2.5	ND
Watercress at SH1	4.4	85	ID	24	ND	4.7	ND
Waitangi at Wakelins	4.4	85	0.30	ND	ND	3.1	ND

**Note:** Data from Jan 2014 - Dec 2019 except for chl a (results taken from Kilroy & Stoffels, 2019)

### Appendix 3 – Attributes requiring limits – lakes (Appendix 2A)

Key	
	A
	B
	C
	D
ND	No Data
ID	Insufficient data

Site Name		Annual Median - Phytoplankton (Trophic state)µg/chla m <sup>3</sup>	Annual Max Phytoplankton (Trophic state)µg/chla m <sup>2</sup>	Median Total Nitrogen (Trophic state) µg/m <sup>3</sup>	Median Total Phosphorous (Trophic state) µg/m <sup>3</sup>	E. coli /100ml	Cyanobacteria (Planktonic) Biovolume mm <sup>3</sup> /L
Carrot	polymictic	5.6	6.5	485	20	ND	ND
Heather		14.5	34.3	566	29	ND	ND
Kahuparere		8.3	19	337	15	ND	ND
Karaka		8.5	65	500	42	ND	ND
Mokeno		4.1	62	981	25	ND	ND
Ngakapuha (North Basin)		3.4	4.3	435	12	ND	ND
Ngakapuha (South Basin)		2.6	7.3	479	13	ND	ND
Ngatu		1.2	1.8	571	8	ND	ID
Omapere - Outlet		3.7	51	420	34	ND	ID
Rotokawau (Aupouiri)		3.5	10.4	679	16	ND	ND
Rotoroa		8.8	12.5	596	11	ND	ND
Rototuna		14.5	33.8	688	27	ND	ND
Swan		36.4	57.5	1335	70	ND	ID

Site Name		Annual Median - Phytoplankton (Trophic state)mg/chla m <sup>3</sup>	Annual Max Phytoplankton (Trophic state)mg/chla m <sup>2</sup>	Median Total Nitrogen (Trophic state) mg/m <sup>3</sup>	Median Total Phosphorous (Trophic state) mg/m <sup>3</sup>	E. coli /100ml	Cyanobacteria (Planktonic) Biovolume mm <sup>3</sup> /L
Te Kahika	stratified	0.1	0.2	466	8	ND	ND
Wahakari		1.3	1.6	361	7	ND	ID
Waihopo		1.9	2.1	617	23	ND	ND
Waipara		2.6	5.8	388	13	ND	ND
Waiparera		10.7	28.6	1086	30	ND	ID
Waiporohita		15.7	26.4	810	31	ND	ID
Humuhumu		2.4	17.8	357	11	ND	ND
Kai-Iwi		1	5.2	297	5	ND	ND
Kanono		11.3	17	341	16	ND	ND
Morehurehu		3.6	3.7	461	16	ND	ND
Rotokawau (Pouto)		7.8	20.6	529	9	ND	ND
Taharoa		0.9	2.9	103	2	ND	ND
Waikare		1.3	5.4	187	3	ND	ND
Wainui		3.2	9.8	435	23	ND	ND



## Submission

**To:** Ministry for the Environment  
[npsurbandevelopment@mfe.govt.nz](mailto:npsurbandevelopment@mfe.govt.nz)

**By:** Northland Regional Council

**On:** Proposed National Policy Statement on Urban Development

### Introduction

The Northland Regional Council (council) is grateful for the opportunity to comment on the proposed National Policy Statement for Urban Development (NPS-UD). This submission is made in the interests of promoting a sustainable environment and economy in Northland and with council's statutory functions and roles under the Resource Management Act 1991, Local Government Act 2002 and other relevant legislation in mind.

Council does not have a great deal of experience with the subject matter so our comments on the proposal are limited. We are however concerned that the NPS-UD as proposed will over-complicate matters in areas where problems with urban growth capacity / planning are not persistent or intractable and can be readily addressed with existing tools. We outline these concerns below.

### Submission

1. We consider there is a need for a NPS-UD to guide development in some centres where there are persistent problems associated with the provision of urban development capacity. We therefore support the proposal to target 'major urban centres' as defined and the removal of the more significant policy requirements from areas previously identified as high-medium growth urban areas (such as Whangārei). This is on the basis that the cost of applying the NPS-UD policy requirements (such as future development strategies) are typically not warranted in smaller centres – growth related demand in smaller centres also tends to fluctuate more (as has been seen with Whangārei) and can be resolved readily with tools already available under the Resource Management Act 1991 (RMA). We therefore strongly support the future development strategies only being applicable in the major urban centres as listed.
2. On a related matter, Objective 5 and Policies P4A – P4C apply to all urban environments (defined as "...a concentrated settlement of 10,000 people or more and any associated business land...") and require councils to ensure feasible development capacity is enabled in RMA plans. Feasible development capacity is to be determined in accordance with Policy P8B and if a council determines it cannot provide 'required' development capacity it must inform the Minister. This assessment is unlikely to be needed in such small urban areas – for example it the existing

definition of urban environment would mean many smaller towns (for example Hawera, Oamaru, Tokoroa and so on) would be captured by these requirements. We recommend changing the threshold / definition of urban environments so the NPS-UD does not impose unreasonable and unnecessary obligations on small centres – we recommend either listing urban areas of concern (as has been done with major urban centres) or applying a much higher threshold in the definition of say at least 20,000 people. For the same reasons outlined above, we support housing and business capacity assessments only being required for major urban centres as the costs of such assessments are likely to outweigh any benefit outside major urban centres and the remedies in other smaller urban areas are far simpler.

3. The focus on providing quality urban environments is well-meaning but in our view will add little benefit given they are necessarily high-level and the outcomes sought are extremely difficult to achieve with a national instrument such as a National Policy Statement. While district / urban planning can identify zones and apply development controls to facilitate quality urban environments, in reality, urban environments are typically created piecemeal in a series of individual planning decisions many of which have limited scope to apply such high level policy direction. It is likely that the approach taken in the NPS-UD will add complexity for consenting / decision making but add little benefit. A more efficient approach would be to focus on non-regulatory tools such as urban design guidelines that can address local issues / needs with more detail and utility for all stakeholders / participants.
4. For similar reasons outlined above, we have the same view on the proposals relating to amenity values and consider they add little benefit over and above the requirement in Section 7 RMA and again are likely to add complexity for decision makers / applicants for little gain.
5. Much of the policy designed to ensure plan content provides for expected levels of development is unnecessary and has the potential to create additional procedural costs. The exception is Policy P5C requiring monitoring of the uptake of development capacity – this could have some value and serve to identify issues with RMA plan settings or other constraints or impediments, such as development contributions policies or market issues.
6. The proposals designed to provide for / enable intensification don't appear to add much to the current discretion available to councils to identify areas for urban intensification. These can be identified and planned for by way of the Future Development Strategy, spatial plans for growth and structure plans and merits tested in s32 RMA cost / benefit assessments.
7. Council does not support widespread directive national level intervention (either through a new NES or national planning standards) to impose 'rules' designed to provide quality urban environments / enable intensification. Any national level intervention if pursued should only apply to major urban centres – most building height, coverage, parking standards, minimum lot size and other density type controls are best set and amended at a district plan level and are not the domain of national instruments. This is because they tend to reflect local amenity outcomes – they can also be revisited relatively easily via plan changes in most cases.

### Conclusion

We thank the Ministry for the opportunity to provide feedback on the proposal. Council supports the intent of the NPS-UD as revised provided it is only applied to those major urban centres where the problems of capacity and growth are persistent and complex. Applying the policy to other smaller urban centres will only increase costs with minimal benefit likely.

In our view, resolving the problems of enabling capacity for growth, infrastructure provision and creating quality urban environments requires a far broader scope than a single RMA instrument such as a NPS can provide. There needs to be a whole of system / first principles review of the urban planning framework that considers a range of legal settings including the Local Government Act, Land Transport Act, Building Act, RMA reform, development contributions and infrastructure funding and financing. We also consider there are financial and tax settings that create perverse outcomes for housing affordability and incentivise unproductive private investment patterns. Another area of concern is that there are limited building material suppliers in New Zealand and this lack of competition also contributes to housing affordability problems. The proposed NPS-UD as we see it is only a small part of the solution that will be needed and caution is required to ensure that it is not 'asked to do too much' and thereby creates more problems than it solves. We consider the Ministry may be better off leaving the NPS-UDC largely intact but targeted (as proposed) at major urban centres pending wider RMA and urban planning reform.

A handwritten signature in black ink, appearing to read 'M Nicolson', with a large, stylized flourish above the name.

Malcolm Nicolson (CEO)  
On behalf of Northland Regional Council

Dated: 9 October 2019



## Submission

**To:** Ministry for the Environment  
[priorityproducts.submissions@mfe.govt.nz](mailto:priorityproducts.submissions@mfe.govt.nz)

**By:** Northland Regional Council

**On:** Proposed Priority Products Consultation

### Introduction

The Northland Regional Council (council) is grateful for the opportunity to comment on the Priority Products discussion document. This submission is made in the interests of promoting a sustainable environment and economy in Northland and in line with council's statutory functions and roles under the Resource Management Act 1991, Local Government Act 2002 and other relevant legislation in mind.

### Background

Council supports the intent signalled in the discussion document to minimise waste and identify priority products for action being: tyres, e-waste, agrichemicals/packaging, refrigerants/synthetic GHG's, farm plastics and packaging). This list of priority products seems logical and appears to capture the products that have potential for significant harm if not managed appropriately and that are causing waste management issues. In our view these products meet the criteria in the Waste Minimisation Act to be declared priority products and are good candidates for improved management.

Northland has experienced challenges with waste management in the past due to isolated communities, a large geographical area with comparatively low population density making recycling schemes less affordable in some cases. Council has also supported community led initiatives to clean up the environment (E.g. Sea cleaners) but would of course rather waste was addressed at source to reduce the need for such activity. We therefore welcome a focus on waste minimisation and the shift to a more circular economy in close association with producers, consumers and stakeholders as this will ensure problems are well understood and solutions are viable.

### Submission

1. Our primary concern in relation to the proposal is to ensure that unintended or perverse outcomes do not occur, particularly the potential to compromise current waste minimisation initiatives and / or investments in place - an example in Northland is the use of end of life tyres as a fuel source in high temperature kilns at Golden Bay Cement works. This initiative which was supported by Government funding of \$13.5M in mid-2017, will allow up to 3.1million tyres to be disposed of every year, whilst providing an alternative fuel source for the cement kilns that currently rely on timber or coal. The environmental benefits of this initiative include reducing the tyre stockpiles in the north island, reducing the existing greenhouse gasses produced by coal - the construction of the new equipment will provide jobs for Northlanders and potentially increase the permanent workforce based at Portland long term. The technology used is also capable of incinerating the tyres in such a way that the energy output is increased and the by-product from the incinerated steel in the tyres is able to be re-used to contribute to the iron requirements of cement. There would be a perverse outcome if a product stewardship scheme

and associated regulations reduced the viability of the Golden Bay Cement initiative or imposed costs that rendered such a scheme less efficient.

2. Council has supported waste minimisation initiatives in the past, in particular recycling of farm plastics such as bale wrap – this proved somewhat problematic. Recyclers require bale wrap to be clean and dry, two conditions that are impossible for farmers to meet in the wintertime. Combining these conditions with the remoteness of many farms meant the financial viability of the scheme was unfeasible. We therefore strongly support the intention to work closely with manufacturers, consumers and other stakeholders in co-designing the regulatory response for each product group given each will have distinct and unique challenges that need to be considered from a 'lifecycle' perspective.
3. We also consider that incentives for recycling and re-use designed with producers / manufacturers will also be more effective in the short term during early phases of the transition to a circular economy. If 'negative' incentives are used in the short term (such as charges for disposal) there is real potential for adverse outcomes such as fly tipping, and the burial or burning of waste. We therefore urge a focus on positive incentives (such as refund / deposit schemes) and removing impediments to people doing the right thing. Other more punitive / negative incentives can be used once behaviour has modified and impediments to poor behaviour have been addressed (such as a lack of facilities / collection points).
4. When designing waste / product stewardship in the second stage of the process, it is far more efficient to reduce the potential for waste 'at source' rather than deal with it at the consumer level once created (i.e. reduce packaging in the manufacturing process). We therefore support measures that target the producers of waste in the first instance and that do not impose the full cost burden of waste management onto consumers / tax payers. The focus on waste reduction at source also reduces the need for infrastructure requirements (such as recycling and waste transfer facilities). We suggest central government focus on this aspect in the short / medium term and take a wholistic approach to product stewardship and the life-cycle of products that generate waste.

#### **Conclusion**

We thank the Ministry for the opportunity to provide feedback on the proposal. We support the proposed list of priority products and agree they either create potential harm to the environment and / or there are benefits likely to arise by minimising the amount of waste from these products.

Signed on behalf of Northland Regional Council

A handwritten signature in black ink, appearing to read 'M Nicolson', with a large, sweeping flourish underneath.

Malcolm Nicolson (CEO)

Dated: 3 October 2019

## Submission

**To:** Ministry for the Environment  
[HSNOsubmissions@mfe.govt.nz](mailto:HSNOsubmissions@mfe.govt.nz)

**By:** Northland Regional Council

**On:** Hazardous Substances assessments: Improved Decision Making

### Introduction

The Northland Regional Council (council) is grateful for the opportunity to comment on the options to improve the hazardous substances assessment process. This submission is made in the interests of promoting a sustainable environment and economy in Northland and with council's statutory functions and roles under the Resource Management Act 1991, Local Government Act 2002 and other relevant legislation in mind.

### Background

The use of hazardous substances is important across a range of agricultural, industrial and environmental activities. Many of these activities are fundamental to the region's social, economic and environmental well-being. Examples include the use of methyl bromide as a phytosanitary fumigant for log exports, agrichemicals for primary production and herbicides / pesticides for environmental purposes.

Council strongly supports a national regulatory system for the approval and use of hazardous substances under the Hazardous Substances and New Organisms Act 1996 (HSNO Act) on the basis that this is far more efficient than applying controls at a regional level (under the Resource Management Act 1991 for example). The ability to access and apply plant and animal pest control substances is particularly important in Northland given our relatively benign climate and range of habitats that mean pest incursions and spread are a real threat to our way of life across fresh, and coastal waters and on land. We strongly support the proposal to improve the assessment and in particular reassessment processes given the need for a responsive system, especially where access to beneficial chemicals could be delayed or unnecessarily impeded.

We agree there is a need for review of the assessment / reassessment system but given the government's ambitious goals for animal pest control as stated in the Predator Free 2050 'package' (PF2050) we see a case for a 'whole of system' review.

### Submission

#### Scope of the review

1. We note the government has ambitious goals for animal pest control as stated in the Predator Free 2050 'package' (PF2050). We consider if these goals are to be achieved a 'whole of system' review is needed for HSNO Act approval, reassessment, conditions of use and controlled substances licensing system. This is because there are significant systemic inefficiencies across the entire process, particularly procedural costs associated with access to new /alternative chemicals, compliance costs, restrictive and inflexible conditions applied to application / use of chemicals and resourcing for controlled substances licensing system. We note reassessments on average cost in the order of \$130,000.00 and can take up to 2 years in some cases – this is not a nimble or efficient system given there is real urgency in the need to address pests (particularly animal pests) and the range of alternatives is expanding rapidly but access is impeded by the current approval process.
2. We support the intent of the review of the assessment process but would strongly recommend the scope be expanded to include the controls applied to the use / application of hazardous substances particularly herbicides and pesticides for environmental purposes. We as a council use many such substances and have experienced some difficulty in dealing with the EPA over conditions of use, especially in relation to chemical application in waterways to control invasive plants. In our experience, many of the controls applied to approvals for use are onerous, impracticable and add significant cost for little gain in terms of risk reduction. We consider there should be a more pragmatic and flexible approach to application of such conditions and urge to the EPA to look at this issue in the review.
3. The controlled substances licensing process could also be improved – in our view this is currently under-resourced, inefficient and in some cases greater expertise is required in terms of training and licensing. We strongly recommend this be included in the scope as we see this as a significant impediment to addressing plant and animal pests and achieving the governments goals for PF2050.
4. We would be more than happy to work with the EPA in more detail and provide examples of where the system could be improved from our experience.

**Better use of information**

5. We agree with the problem statement that the current system does not allow EPA to apply discretion to give more weight to international information than to other sources of information. This to us is illogical – there are overseas jurisdictions with similar regimes and just as thorough information requirements and in many cases more experience with use of particular substances than New Zealand. We consider Option 2B

is likely the best fit for New Zealand as allowing the EPA to apply risk assessments from other 'trusted regulators' jurisdictions would significantly reduce the burden of evidence required for applicants and the streamline the assessment process for the EPA (and associated costs for all parties).

6. While we understand Option 2C (trusting risk assessments and *decisions* of trusted regulators) would still allow EPA discretion to consider our unique situation, it may go too far and may not be appropriate given these jurisdictions are unlikely to have considered the unique social, environmental and cultural circumstances that apply in this country and the likely patterns of use or sensitivity to the substance in New Zealand. However, there may be a case to consider this in some circumstances where the 'trusted regulator' has either very similar risk profiles and use patterns that can be applied to the New Zealand situation with a high level of confidence. Therefore, there is a potential option to use a hybrid of Option 2B and 2C – for example, identify a sub-category of 'trusted regulator' with a high level of correlation in terms socio-economic, cultural and environmental circumstances and likely patterns of use. We recommend the review consider the merits of such an approach.
7. We would strongly advise against a system that allowed an 'automatic' adoption of decisions from another jurisdiction – there are too many unique considerations afoot in New Zealand for this approach to be used – obligations under the Treaty of Waitangi is the most obvious and crucial example.

#### **Suspension of use**

8. We support changes to s64 of the HSNO Act to allow a more responsive system to allow immediate suspension / temporary restriction on an approval to protect people or the environment, provided such a move would also require reassessment within a short timeframe (six months seems appropriate). We would be concerned if the availability of substances important to our ability to control agricultural or environmental pests or to meet international phytosanitary export requirements were to be removed at short notice with no viable alternatives. We recommend the criteria include clear and certain evidence of potential harm within New Zealand or from a trusted regulator – we also suggest flexibility for the suspension / temporary restriction to
  - a) only be not be applied automatically to all use applied to certain uses / circumstances but applied to those that are considered high risk
  - b) enable ongoing use for vital industry / sectors where alternative substances are not available but subject to more stringent conditions and;
  - c) allow ongoing use allowed under specific permissions.

9. We consider the above approach would mitigate some of the risks / negative impacts of immediate suspension / restrictions. We also recommend that any such suspension / restriction should trigger a priority reassessment of that substance to limit adverse consequences for industry or the environmental outcomes.

#### **Changes to hazard classification**

10. We support a change from the status quo – requiring a full reassessment to change a hazard classification seems unwieldy given a trusted regulator may have applied sufficient rigour to satisfy New Zealand requirements. This would be a far more efficient means to ensure status / controls are kept up to date. We have no strong preferences between Options 2 and 3 but urge that there is a need to provide some transition time if controls on use change substantially. We also support the targeted consultation (rather than full public process).

#### **Streamlining consultation**

11. The options set out in Section 3.2.1 of discussion document seem more about providing more flexibility to remove / amend approvals on the basis of insufficient information than improving consultation. A statutory requirement to provide information on the use of a substance seems to have dubious merit and we do not think this will necessarily improve the information available to the EPA. It would also impose another step in the process. In our view Options 2 and 3 are an over-reaction to the scale of the problem, as an industry that has an interest in the reassessment process they will get involved. We also consider the ability to use international information from trusted regulators could go some way towards a remedy. In short, we do not see this as such a problem and prefer retention of the status quo.
12. We support Option 2 in relation to the modified reassessment process – a more targeted consultation process seems logical given in many circumstances there will be narrow range of interested parties and the scope of this process is limited to controls on use, hazard classification or description and does not allow the EPA to revoke approvals. We consider this would save time and cost for both EPA and interested parties.

#### **Avoiding duplication**

13. In response to the problem statement in Section 3.3.1, we support Option 2. Statutory status for the Priority Chemical List (PCL) and not applying the 'grounds for reassessment' test seems logical – the reassessment process seems unnecessary given the chemicals have been subject to 'screening' and are already considered a priority. We would however recommend that for certainty the priority PCL's for reassessment be made publicly available on a website or readily accessible format.

**14.** In relation to assessment / reassessment of substances with the same or very similar active ingredients, we support Option 2 (a combined process), which would allow the EPA to combine the assessment of a new substance and reassessment of other substances with the same active ingredients. This will ensure consistent decision making and improve efficiency. In our view Option 3 does not achieve quite the same consistency or efficiency and is likely to delay applications for assessments pending the outcome of the reassessment process – a concurrent system appears more beneficial. For similar reasons, we support Option 3 in section 3.3.3 meaning the EPA could more efficiently update controls for substances with the same active ingredient following new approvals. We also support the changes suggested in Section 3.4 to streamline the process for changes of a more technical nature.

#### **Conclusion**

We thank the Ministry for the opportunity to provide feedback on the proposal. We agree with the problem statements and consider that the options for change outlined are generally beneficial subject to the specific comments provided above. We do however recommend taking a more system wide approach to the review given there are other issues where we think improvements can be made.

Signed on behalf of Northland Regional Council

A handwritten signature in black ink, appearing to read 'M Nicolson', with a large, stylized flourish on the left side.

Malcolm Nicolson (CEO)

Dated: 30 September 2019

**TITLE:** Manea Footprints of Kupe - Agreement regarding the fulfilment of a condition of funding

**ID:** A1256810

**From:** Darryl Jones, Economist

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### Executive Summary / Whakarāpopototanga

The purpose of this report is to seek council approval that a condition of funding for the Manea Footprints of Kupe project has been satisfied by the negotiated text. The negotiated text goes a long way towards but does not completely satisfy the intent of one of the conditions of funding put in place by council at its meeting on 19 February 2019. Staff recommend that council approval be given. Approval will allow Malcolm Nicolson, Chief Executive Officer, to sign the funding agreement for the Manea Footprints of Kupe project as all the other conditions of funding have been incorporated into the funding agreement.

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### Recommendations / Ngā mahi tūtohutia

1. That the report 'Manea Footprints of Kupe - Agreement regarding the fulfilment of a condition of funding' by Darryl Jones, Economist and dated 5 November 2019, be received.
2. That the condition requiring the funding agreement to contain an undertaking that Manea will be held in perpetuity for the benefit of the local community and that should it ever be sold into private ownership that council will be refunded its \$500,000 funding allocation is considered satisfied by the text contained in Attachment 1 to agenda item 6.4 of the council meeting held on 19 November 2019.

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### Background / Tuhinga

At its meeting on 19 February 2019, council agreed to allocate \$500,000 (excluding GST) as Enabling Investment funding from the Investment and Growth Reserve (IGR) to the Manea Footprints of Kupe project. The project involves the establishment of a Cultural Heritage and Education Centre in Opononi, Hokianga. The centre will preserve, communicate and celebrate Kupe's voyage to the Hokianga, his journeys across Aotearoa, his departure, the stories of repopulation and progression of his descendants, the local culture and the places of historical significance. Inside the centre, the stories (footprints) will be told using a combination of guided tours, 4D interactive performances and technology stations. This will be complemented by taonga repatriated from private collections and over time, from various museums.

The allocation of Enabling Investment funding from the IGR was made subject to a number of conditions being met. One of those conditions (condition number d) iv.) was that the funding agreement between Te Hua o Te Kawariki Trust (the Trust), Manea Footprints of Kupe Ltd (MFKL), Far North Holdings Limited (FNHL) and council includes "an undertaking that Manea will be held in perpetuity for the benefit of the local community and that should it ever be sold into private ownership that council will be refunded its \$500,000 funding allocation."

Since February staff have been negotiating with the Trust, MFKL and FNHL on the terms of the funding agreement. All the conditions associated with the funding allocation have been incorporated into the funding agreement except for d) iv. The undertaking that the Trust and FNHL are willing to provide council is set out in **Attachment 1**.

Staff consider that the undertaking set out in Attachment 1, while going a long way, does not fully meet the requirements of funding condition d) iv. Staff are therefore seeking council approval that the undertaking provide by the Trust and FNHL is sufficient to satisfy the condition of funding d) iv.

Approval will allow Malcolm Nicolson, Chief Executive Officer, to sign the funding agreement for the Manea Footprints of Kupe project as all the other conditions of funding have been incorporated into the funding agreement.

## Considerations

### 1. Options

No.	Option	Advantages	Disadvantages
1	Agree that the undertaking in Attachment 1 satisfies the condition of funding d) iv.	Allows funding agreement to be signed and project to advance on schedule	Potential risk that council grant funding may benefit the private sector
2	Disagree that the undertaking in Attachment 1 satisfies the condition of funding d) iv.	Consistent with council recommendation	Places the project in jeopardy of tipping over Forces the proponents to fund alternative sources

The staff's recommended option is Option 1. Staff believe that it will be extremely difficult to get any further undertakings from the Trust and FNHL in relation to this condition of funding. Fully satisfying the condition of funding d) iv is complicated by:

- the terms of the Funding Agreement between the Ministry of Business, Innovation and Employment and the Trust, MFKL and FNHL,
- the split in the current ownership profile between FNHL (land and building) and the Trust (the experience fit out), and
- by the allocation by the proponents of council's funding to the development of the experience component of the project rather than to the purchase of the land or the construction of the building.

A major reason why the council made the decision in February 2019 to support the project was because of the positive economic benefits it would bring to the Hokianga area. This rationale has not changed, and it is for this reason staff recommend that council accepts the undertaking as fulfilling funding condition number d) iv. This decision is considered as an exception to the funding condition requiring the repayment of council's funding if the investment is ever sold into private ownership. This condition is put in place to fulfil the objective and requirement of the IGR criteria that Enabling Investment funding is used for the construction of public or community held infrastructure.

### 2. Significance and engagement

In relation to section 79 of the Local Government Act 2002, this decision is considered to be of low significant when assessed against council's Significance and Engagement Policy as the allocation of funding from the IGR has been specifically considered and provided for in council's Long Term Plan.

### 3. Policy, risk management and legislative compliance

The activities detailed in this report are in accordance with the IGR criteria, the Long Term Plan 2018-2028, and council's decision-making process as prescribed in the Local Government Act 2002.

## Further considerations

### 4. Community views

The project has considerable support from the local community. Several community meetings were held in developing the proposal, with feedback incorporated into the layout and design.

### 5. Māori impact statement

The project is being led by Te Hua o Tw Kawariki Trust who represent four local marae who are invested in the project. The project will showcase Māori culture and contribute to economic development in the Hokianga area. There is no known opposition to this project from Māori.

### 6. Financial implications

At its meeting on February 2018, council agreed to fund the \$500,000 contribution from the IGR by agreeing to a discretionary transfer of \$500,000 from the Community Investment Fund (CIF). This decision was made because it was assessed that there was insufficient funds in the IGR to cover the investment requested. Such a transfer from the CIF to the IGR is allowed under the Long Term Plan 2018-2028 provided the CIF balance does not fall below \$12.5 million. The CIF balance as at 30 September 2019, i.e. prior to any transfer to the IGR to support the Manea Footprints of Kupe project, is just over \$15.5 million.

Subsequent to this decision, at its meeting on 20 August 2019, council agreed to record an impairment loss of \$819,933 in 2018/19 in relation to the outstanding amount owed by Resources Enterprises Limited (REL). Booking an impairment loss does not discharge REL of their liability to fully repay the loan principal and related interest payments. Council is taking action to try and recover the outstanding balance owed by REL, \$860,580 as at 20 August. Should REL repay the outstanding balance, the impairment loss will be reversed, and the cash received transferred to the IGR.

Table 1 shows the total funding available for the three years 2019/20 to 2021/22 assuming all commitments, obligations and arrangements are maintained, and that council does not recover any of the outstanding balance owed by REL

The analysis shows that the IGR will have a negative balance of around \$360,000 at the end of June 2022. The implication is that any further Enabling Investment funding allocated by council during this period will need to be financed by a transfer from the CIF to the IGR.

It also indicates that council may need to make a one-off transfer from the CIF to the IGR at some point in the future to ensure that the IGR balance does not go into negative. The timing of when this transfer is required depends on the timing of any funds received into the IGR from REL, and the timing of payments out of the IGR to meet existing funding commitments. The current estimate is that the IGR will have a positive balance of around \$350,000 at 30 June 2020.

In relation to current funding commitments, the analysis assumes that Northland Inc allocates \$300,000 for Project Development in each of the three years, this being the maximum amount provided for by the IGR criteria. Over the past five years, the maximum amount provided for Project Development funding has never been allocated, with the amount allocated averaging around 80% of the maximum.

**Table 1. Investment and Growth Reserve Cash Flow Balance**  
Cumulative value for the three years 2019/20 – 2021/22  
based on current funding commitments and settings

Opening balance as at 30 June 2019		\$1,249,403
<u>Funding<sup>1,2</sup></u>		
Redirection of council investment income	\$5,100,000	
Transfer from CIF for inflation adjustment of the \$1.7M annual contribution	\$334,263	
Transfer from CIF for Manea Footprints of Kupe	\$500,000	
	<u>                    </u>	\$5,934,263
<u>Withdrawals</u>		
Northland Inc operational funding	-\$4,096,444	
Project Development <sup>3</sup>	-\$900,000	
Enabling Investment project commitments		
Extended regional promotions	-\$400,000	
E350	-\$232,600	
Hundertwasser Art Centre (Whangārei)	-\$1,000,000	
Te Hononga	-\$200,000	
Twin Coast Cycle Trail	-\$113,734	
Northland Water Storage and Use Project	-\$100,000	
Manea Footprints of Kupe	-\$500,000	
	<u>                    </u>	-\$7,542,778
Total funding available for Enabling Investment over three years		-\$359,112

*Notes :*

1. Does not include other income, e.g. interest earned on IGR balances.
2. Does not include repayment of outstanding balanced owed by REL (\$860,580 as at 20 August 2019).
3. Assumes that Northland Inc. allocates \$300,000 for Project Development in each of the three years.

**7. Implementation issues**

The project is being implemented by Far North Holdings Limited who have been involved in developing a number of infrastructure projects in the Far North so no implementation issues are envisaged.

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**Attachments / Ngā tapirihanga**

Attachment 1: Undertaking provided to satisfy condition of funding d)iv  

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**Authorised by Group Manager**

**Name:** Jonathan Gibbard  
**Title:** Group Manager - Strategy, Governance and Engagement  
**Date:** 13 November 2019

Attachment 1

**FUNDING AGREEMENT FOR MANEA FOOTPRINTS OF KUPE**

**Clause relating to the fulfilment of condition of funding d)iv**

**9. Repayment of Funding if Manea Footprints of Kupe is sold to a private operator**

- a) The Recipient is a registered charitable trust, and the development of the Project is consistent with the Recipient's charitable purposes under the Charitable Trust Deed dated 15 December 2006 ("**Trust Deed**"). In accordance with the Trust Deed, a resolution of the Trust Board, and various agreements entered into by the Recipient:
  - i. the Recipient leases the land and buildings comprising the Project ("**Property**") from FNHL, the initial landlord for the Project;
  - ii. the Recipient has an irrevocable option to purchase the Property from FNHL.
- b) The Recipient intends that the Project will be developed, operated, and, once the Recipient is financially able to purchase the Project, owned and held by the Recipient for the benefit of the local community served by the Council in accordance with the Recipient's charitable purposes.
- c) The sale of the Project (or any part of it, including the Property) to a private operator is not consistent with the Recipient's charitable purposes under the Trust Deed, and as at the date of this Agreement the Recipient has no intention to do so.
- d) Notwithstanding paragraph c) above, the Recipient undertakes to the Council that:
  - i. if the Recipient sells the Project or any part of the Project owned by the Recipient ("**Sale Property**") to any third party; and
  - ii. that third party will not hold the Sale Property for the benefit of the local community served by the Council, then, to the extent that the Recipient is entitled to retain any net proceeds of the Sale Property, the Recipient will repay to Council from those net proceeds received by the Recipient any funding received by Council under this Agreement.
- e) Should FNHL sell the Property to a third party who is not holding the Property for the benefit of the local community served by the Council, FNHL will repay to Council from the net proceeds received, the funding provided by Council under this agreement under the following terms.

- i. During the period in which clause 3.17 of the Funding Agreement between Ministry of Business, Innovation and Employment (“**Ministry**”) and Te Hua o Te Kawariki Trust and Far North Holdings Ltd and Manea Footprints of Kupe Limited (“**PGF Agreement**”) is applicable, currently until 30 April 2040 as at the date of this agreement, Council will be repaid the funding it has provided from the net proceeds remaining once the Ministry and FNHL have been repaid for the amount of co-funding they have contributed to the Project.
  - ii. Once the period in which clause 3.17 of the PGF Agreement is no longer applicable, FNHL would take a priority return on the proceeds for any un-paid rent it is due, thereafter the net proceeds received will be split according to the proportions invested by both parties; FNHL \$1.175m and NRC \$500k, i.e. 70% /30%, up to the amount Council is repaid in full.
- f) If the Property is transferred or sold by FNHL to the Trust, then the guarantee outlined in clause 9e) is discharged.

**TITLE:** Chief Executive's Report to Council

**ID:** A1254379

**From:** Malcolm Nicolson, Chief Executive Officer

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### Recommendation / Ngā mahi tūtohutia

That the report 'Chief Executive's Report to Council' by Malcolm Nicolson, Chief Executive Officer and dated 31 October 2019, be received.

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#### 7.1.1 HIGHLIGHTS

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##### Elections and New Council Induction

Following the elections the new council has been sworn in and an intensive induction programme is currently underway.

##### Pōwhiri mo ngā Kaunihera hou o Te Taitokerau

In partnership with Te Parawhau – mana whenua of Whangārei - staff welcomed the new Councillors and their whānau at Water Street offices in Whangārei. Te Parawhau acknowledged both the Council and the Tumuwakarae/Chief Executive for upholding tikanga and te reo Māori within the pōwhiri process. A progressive and positive beginning for the new Council and for all that attended to support the event.



##### ALGIM Awards

Northland Regional Council won the Association of Local Government Information Management (ALGIM) Innovation award for the creation of the Northland Civil Defence operational overview - a dashboard for civil defence created by Rebecca Norman in the GIS team.

##### NZ Biosecurity Awards

Kane McElrea, the Northland Regional Council's Biosecurity Manager – Partnerships and Strategy, edged out two other finalists from Land Information New Zealand and AgResearch to clinch the 'emerging leader' award at the recent New Zealand Biosecurity Awards in Auckland.

Congratulations also to Te Roroa Commercial Development Company, which was also recognised by being awarded the 'New Zealand Biosecurity Department of Conservation Community Kahiwi Award' for its Kauri Dieback Response Plan.

## NZ River Awards 2019 – Mangakahia River

Mangakahia River was a top three finalist for this year’s New Zealand River Awards River Story Award. The finalist entry profiled the environmental work of dairy farmer Andrew Booth and the considerable effort he has put into fencing, planting and effluent management on the farm adjoining the Mangakahia River. NRC has supported the environmental work on the Booth farm through a FEP (Farm Environment Plan) and two environment fund grants.

### 7.1.2 CEO’S OFFICE

#### Council Property Update

- A Sale & Purchase Agreement to purchase a Whangarei CBD property has settled and freehold ownership is now Council’s.
- A Sale & Purchase Agreement to sell a Whangarei Industrial Area property has gone unconditional, and will settling in mid-November.
- ARCO Group Ltd, Head Contractor for the redevelopment at 8 Kensington Avenue, are running slightly ahead of schedule. Demolition is largely complete. Sale of Childcare land has been completed.
- Kaipara District Council has signed an ‘Agreement to Lease’ (ATL) for approximately two-thirds of the Kaipara Service Centre (KSC) floor area. The KSC developed design is close to completion, with progress currently tracking to have council consider the project design, budget and KDC ATL at the December monthly meeting.

#### Upper North Island Strategic Alliance (UNISA)

- UNISA CE’s are to consider their response to the Upper North Island Supply Chain Study (ports, rail and roads) recommendation involving Northport, Port of Tauranga and Ports of Auckland.
- UNISA Councils continue to support an Upper North Island marine pest management pathway plan promoted by Council.

#### Current Legal Proceedings

Department	Description	Status
Consent decision appeal	Replacement consents for, and new consents for an expansion of, Doug’s Opuā Boat Yard in Walls Bay, Ōpuā.	No further progress to report. A progress report in respect of a High Court appeal is to be provided to the Environment Court by 30 April 2020.
Consent decision appeal	Replacement discharge consents for East Coast Bays Wastewater Treatment Plant (Taipā)	One joint appeal received from a number of parties, including Ngāti Kahu. Awaiting direction from the Court regarding formal mediation process.

### 7.1.3 CORPORATE EXCELLENCE

#### Regional Software Holdings Limited

RSHL indicated in the annual report a need to undertake a reinvestment in the IRIS product to ensure that solution and technology remains current and fit for purpose. RSHL has identified that development of the roadmap for the next generation of IRIS (IRIS NG) is a strategic priority. Work is well underway to issue a Request for Expressions of Interest (REOI) document through the Government Electronic Tenders Service portal (GETS), with an advance notice issued on 1 November.

The REOI is inviting expressions of interest from suitably qualified providers to partner with RSHL for the delivery and maintenance of a fully integrated, modular and digitally enabled platform for the regional council sector. Currently the six shareholding council and four other councils are participating in the REOI process in some capacity.

The key objective of this process is to develop long term financial projection for the Regional Software Holdings Ltd shareholders and customers.

#### **Fraud Declaration**

I am not aware of any fraud nor am I investigating any incidence or suspected incidence of fraud at this time.

#### **7.1.4 REGULATORY SERVICES**

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##### **CONSENTS IN PROCESS**

During September and October 2019, a total of 126 Decisions were issued. These decisions comprised:

<b>September 2019 (62)</b>		<b>October 2019 (64)</b>	
• Moorings	2	• Moorings	7
• Coastal Permits	28	• Coastal Permits	15
• Air Discharge Permits	1	• Air Discharge Permits	0
• Land Discharge Permits	7	• Land Discharge Permits	3
• Water Discharge Permits	0	• Water Discharge Permits	1
• Land Use Consents	18	• Land Use Consents	26
• Water Permits	3	• Water Permits	4
• Bore Consents	3	• Bore Consents	8

The processing timeframes for the September 2019 consents ranged from:

- 303 to four calendar days, with the median time being 28 days;
- 162 to four working days, with the median time being 20 days.

The processing timeframes for the October 2019 consents ranged from:

- 470 to one calendar days, with the median time being 28 days;
- 313 to one working days, with the median time being 20 days.

Forty-three applications were received in September 2019

Thirty-six applications were received in October 2019

Of the 114 applications in progress at the end of October 2019:

- 41 were received more than 12 months ago (most awaiting further information from the applicant);
- 20 were received between six and 12 months ago (most awaiting further information from the applicant);
- 53 less than six months.

#### **Appointment of Hearing Commissioners**

No commissioners were appointed in September and October 2019.

#### **Consents Decisions and Progress on Notified Applications in Process, Objections and Appeals**

The current level of notified application processing activities at the end of October 2019 is (by number):

• Applications Publicly/Limited Notified During Previous Month	1
• Progress on Applications Previously Notified	2
• Hearings and Decisions	2
• Appeals/Objections	2

## COMPLIANCE MONITORING

The results of compliance monitoring for the period 1 September – 31 October 2019 (and year-to-date figures) are summarised in the following table and discussed below.

Classification	Total	Full compliance	Low risk non-compliance	Moderate non-compliance	Significant non-compliance	Not exercised during period
Air discharges	50	37	8	1	2	2
Coastal permit	72	48	9	12	0	3
Discharge permit	161	115	19	13	6	8
FDE - Discharge permit	287	177	0	66	41	3
FDE - Permitted activity	65	45	0	9	10	1
Land use consent	82	59	8	5	1	9
Water permit	178	93	66	9	0	10
<b>Total</b>	<b>895</b>	<b>574</b>	<b>110</b>	<b>115</b>	<b>60</b>	<b>36</b>
<b>Percentage</b>		<b>64.2%</b>	<b>12.3%</b>	<b>12.8%</b>	<b>6.7%</b>	<b>4.0%</b>
<b>YTD</b>	<b>3,010</b>	<b>2167</b>	<b>312</b>	<b>232</b>	<b>133</b>	<b>166</b>
<b>Percentage</b>		<b>70%</b>	<b>10.4%</b>	<b>7.7%</b>	<b>4.4%</b>	<b>5.5%</b>

### Coastal

The majority of consents monitored during the reporting period related to coastal structures and coastal discharges from municipal sewage treatment plants, industrial sites and boat maintenance facilities.

Contractors were engaged to remove asbestos from historic oyster farm structures in the coastal marine area at Parua Bay, Whangārei Harbour, following a complaint from a member of the public. Over a tonne of material containing asbestos was removed from the foreshore and surrounding coastal fringe.

### Waste Management

- Twenty incidents involving the discharge of hazardous substances and 33 enquiries regarding contaminated land were received and responded to.
- 347.8 kg of hazardous waste was disposed of during the reporting period.
- Information was provided to LGNZ on hazard risk to closed landfills in Northland. The prompt provision of this information ahead of the deadline by the NRC, Hawke's Bay Regional Council and Nelson City Council was acknowledged.

### Water, Waste, Air and Land Use Compliance Monitoring

#### *Aupōuri Groundwater Monitoring*

Following the granting of 17 water take consents by the Environment Court, NRC has taken responsibility for all monitoring required by the Groundwater Monitoring and Contingency Plan that forms part of the consents. Significant staff and equipment resource is required and costs of these will be recovered from the consent holders in accordance with council's Charging Policy.

#### *Air monitoring*

Staff are continuing to improve processes for attending and investigating complaints in regard to smoke and odour. A number of brochures for 'burning activities' have been produced that the

team can use to educate and encourage the general public to burn within the relevant regional rules, and how to burn without causing a nuisance. Education and training by our officers for our main contractor, Armourguard, is ongoing to ensure that its officers have all the necessary tools and information while inspecting burning sites on behalf of NRC.

- **Waste Management**

Waste Management staff attended a number of workshops, closed regulator forums and Contaminated Land Special Interest Group meetings during September. Staff were engaged in sessions to discuss matters of national consistency including the National Environmental Standards for contaminated land.

**Farm dairy effluent (FDE) monitoring**

The following is a summary of the FDE monitoring for the current season to date, with tables comparing this season's and last season's results.

- *Consented FDE discharges*

A total of 469 consented farms have been visited and reported on. This is about 75% of the total consented farms to be visited.

Full Compliance		Moderate Non-Compliance		Significant Non-Compliance	
This Year	Last Year	This Year	Last Year	This Year	Last Year
299	305	104	125	66	80
64%	60%	22%	24%	14%	16%

- *Non-consented FDE discharges*

A total of 157 non-consented farms have been visited and reported on. This is about 77% of the total non-consented farms to be visited.

Full Compliance		Moderate Non-Compliance		Significant Non-Compliance	
This Year	Last Year	This Year	Last Year	This Year	Last Year
109	124	23	29	25	38
69%	65%	15%	15%	16%	20%

**Environmental incidents**

There were no incidents recorded during the reporting period that resulted in a significant environmental impact.

**ENFORCEMENT**

**Abatement notices, infringement notices and formal warnings**

The following enforcement actions were taken during the period:

Nature of Offence	Infringement Notice		Abatement Notice		Total	
	No. Offences	No. Notices	No. Offences	No. Notices	No. Offences	No. Notices
Burning & smoke nuisance	2	2	5	7	5	9
Earthworks/land use	1	1	1	1	1	2
Farm dairy effluent	33	56	45	46	53	102
Hazardous substances, spills and refuse	2	2	4	6	4	8
Illegal activity in coastal marine area	0	0	1	1	1	1

Other air discharge	0	0	1	2	1	2
Other water discharge	1	1	0	0	1	1
Sediment	1	1	2	2	2	3
Sewage	1	1	0	0	1	1
<b>Total</b>	<b>41</b>	<b>64</b>	<b>58</b>	<b>65</b>	<b>68</b>	<b>129</b>

### Other Enforcement

- Dumping and burning of demolition waste, Kaikohe*

Charges were laid against two companies and one individual (associated with one of the companies) and a landowner for the dumping and burning of demolition waste near Kaikohe. One of the companies and the landowner attended a sentencing hearing on 15 August 2019 in the Kaikohe District Court. The judge delivered his reserved decision on 3 September 2019. The landowner, Jason Bill, was fined \$14,400 on two charges, and Yakka Demolition was fined \$36,000 on two charges. The other company has elected jury trial, which is scheduled for two weeks commencing on 11 November 2019 in the Kaikohe District Court.
- Enforcement Order – Paihia wastewater treatment plant*

Following a pre-hearing conference/settlement conference held on 4 March 2019, the Environment Court issued Enforcement Orders against the Far North District Council (FNDC) on 20 March 2019. The orders set out milestones to complete an upgraded wastewater treatment plant. FNDC has met the first four milestones – achieving the fourth one ahead of schedule.
- Farm dairy effluent – Maungakaramea*

Charges have been laid against a farm owner and his company, as well as the farm manager, for offences which occurred in September 2018. The farm has a poor history of compliance with regional rules for animal effluent disposal. Pleas have not yet been entered. The matter was brought before a judge on 14 August 2019 in the Whangārei District Court. The farm owner and his company intimated guilty pleas and asked for more time to agree on the summary of facts with NRC. Council is awaiting a court date for sentencing of all parties.
- Farm dairy effluent – Maromaku*

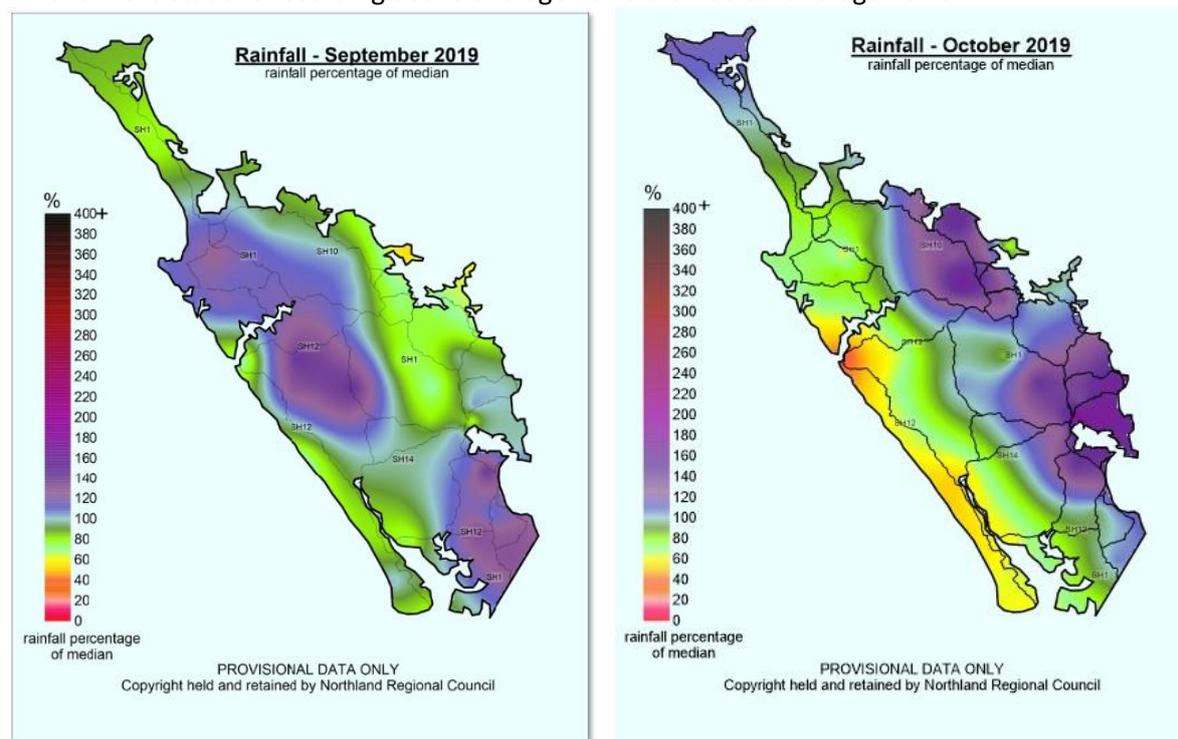
Charges have been laid against a farm owner, his company and a farm manager for offences which occurred in September 2018. The farm has a poor history of compliance with regional rules for animal effluent disposal. The company has entered guilty pleas, with the remaining parties pleading not guilty. A case review hearing was held on 14 August 2019. A hearing date has been scheduled for January 2020 in the Whangārei District Court.

### HYDROLOGY

#### Rivers/Rain situation

- October was quite a dry month for the West Coast with the area receiving 40-80% of the expected rainfall according to long term medians. Kāeo, Bay of Islands, the eastern hills, Whangārei and Bream Bay received around normal rainfall totals. This low rainfall to the west - higher to the east pattern is in contrast to many previous months this year, which have generally seen south-westerly winds delivering more rain to the west than the east. The October rainfall distribution was influenced mainly by a system from the North Tasman mid-month delivering rain from a north-easterly direction, and is notable as one of very few weather systems of this type this year so far. The lack of this type of weather system is a driver for the dry weather experienced in Northland this year.
- River flows for September were near average on the West, but generally below average on the East, with many rivers recording flows in the range of 60-80 % of the long-term average for the month, and rivers around Whangārei and the Wairua catchment recording 40-60 % of the long-term average. For October, river flows in many areas were at or above the long-term average,

the exception being the Awanui Catchment. The mid-October weather event is responsible for the average/above average Northland river flows, and made October the first month this year to have more stations recording above average flows than below average flows.



### Hydrology Projects

- Water level sensors have been installed in the Waihopo Stream and Ngāwha as part of the Northland Water Storage and Use Project.
- Civil Defence CIMS4 (Coordinated Incident Management System) training has been undertaken by Hydrology staff.

### NATURAL RESOURCES DATA

- Coordinating LAWA requests (key dates for delivery across May to December 2019):
  - LAWA Recreational dataset – the review of updated overall bacterial risk grades is due in November 2019.
  - LAWA Groundwater Quality Module (EMaR) – currently checking the trend and state results for Northland. The module is expected to go-live in December 2019.
  - LAWA Annual Refresh of Lakes, Rivers, Can I Swim water quality, and Water Quantity data – all final datasets have been confirmed and loaded to LAWA for Rivers, Lakes and Macroinvertebrates. The module went live in September 2019.
- Implementation of the biological database KiECO will start early December 2019.
- Survey 123 for electronic data collection – further work is still required in connecting the spatial and environmental databases before the final release to the field operation teams. The expected starting date is December 2019 with the collection of electronic field measurements for the Recreational Swimming Water Quality Programme.
- The Environmental Data Collection and Management quality system has been submitted to align the quality system structure for monitoring with the data management lifecycle.

### COASTAL/WATER QUALITY FIELD OPERATIONS

- Coastal water quality sampling of the Whangārei, Bay of Islands and Kaipara harbours and southern estuaries (Mangawhai, Waipū and Ruakaka) was carried out.

- The monthly river water quality, priority catchment, and periphyton sampling programmes were undertaken.
- The quarterly coastal water quality buoy deployments at Hātea River and Waitangi Estuary were undertaken.
- Our quarterly coastal litter monitoring programme was undertaken at Pohe Island, Whangārei Harbour. Less rubbish was recorded this survey than the previous surveys.

## **NATURAL RESOURCES SCIENCE**

### **Freshwater quality and quantity**

- Aupōuri Aquifer – Bore Survey: The Aupōuri Aquifer is a valuable groundwater resource north of Kaitāia. There is increasing demand for water use from the aquifer predominantly for irrigation of avocado orchards. Over the next three months a survey will be undertaken across the Aupōuri Peninsula to obtain accurate information on bore locations, elevations, groundwater levels and conductivity levels (an indicator of salinity). The information gained will be valuable in constraining and validating groundwater models in the future.
- SPI (Standardised Precipitation Index) maps have been used for monitoring rainfall-based dryness/drought over the past two years. SDI (Standardised Discharge Index) maps have been developed for streamflow-based drought monitoring and are currently being tested.

### **Freshwater ecology**

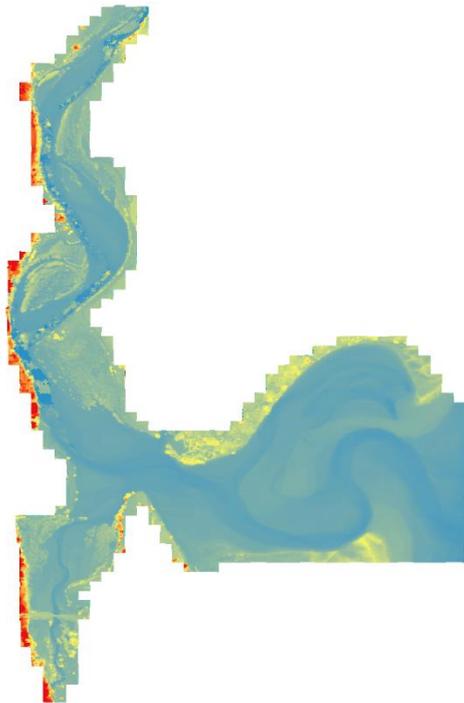
- A large part of October was taken up with preparing data to inform the council's submission to the draft National Policy Statement – Freshwater Management (NPS-FM).
- A catchment investigation has been initiated in the Waiaruhe River to investigate elevated ammoniacal nitrogen levels in the upper catchment.
- The Whangārei Catchment Group has approved funding for fish barrier remediation this summer to barriers caused by flood protection devices in the Raumanga Stream.

### **Air quality**

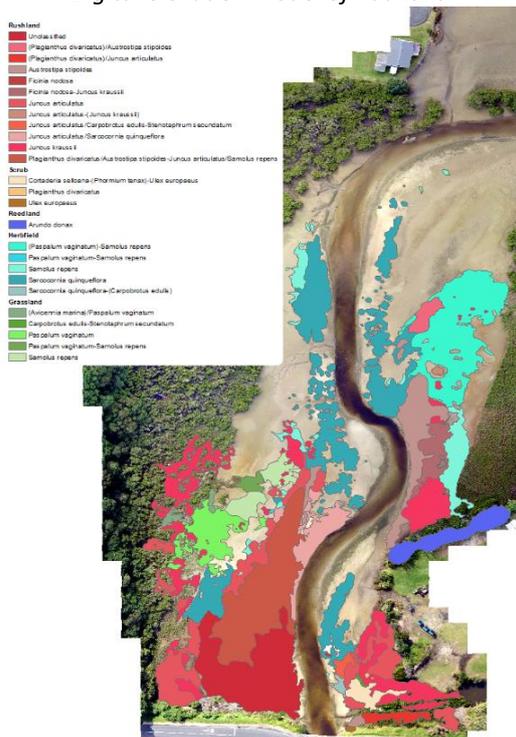
- Ambient PM10 monitoring results for August and September 2019 for the Whangārei and Marsden Point airsheds and Kawakawa township show that compliance was met with the National Environmental Standards for Air Quality. PM2.5 monitoring results for Whangārei were within the Ambient Air Quality Guideline value.
- Council's CO<sub>2</sub>-e (carbon dioxide equivalent) emission for 2019 until September is 294.4 tonnes, which is 4.6 percent (i.e. 12.9 tonnes) higher than the same period in 2018. The increase is mainly attributable to increased air travel in 2019.

### **Coastal**

- A remotely piloted aircraft system (RPAS) survey and habitat assessment of Ruakaka Estuary have been completed. The images collected by the RPAS have been used to create a digital elevation model that can be used to monitor sedimentation rates in the future. Other outputs include a map of the substrate in the estuary and maps of different habitat types (e.g. mangrove, saltmarsh and shellfish habitats). The digital elevation model, habitat maps and a technical report are available on our website.
- Ruakaka Estuary has been identified as a marine significant ecological area (SEA) in the Proposed Regional Plan and so the habitat assessment will serve as a baseline assessment of this SEA. This will enable council to assess the effectiveness of the Proposed Regional Plan at maintaining the values of the SEA.



Digital elevation model of Ruakaka



Saltmarsh habitat in Ruakaka Estuary



Cockle habitat in Ruakaka Estuary

### 7.1.5 ENVIRONMENTAL SERVICES

#### HIGHLIGHTS

##### New Zealand Association of Resource Managers

2019 NZARM conference held in Waitangi 15-17 October. The collaborative conference organisation team consisted of NRC, DairyNZ, Hancock Forest Management Ltd. (NZ), and a number of contributors and sponsors.

Overall, NZARM conference committee and NRC highly praised for organisation, facilitation, and quality of speakers and field trips. This comment was fairly typical of the feedback received  
“Absolutely fantastic. Highlight of my working year. Heard, saw so many things that I want to pass onto colleagues. Waitangi pōwhiri was wonderful – I felt the weight of history. Todd Hamilton – inspiring job!! NRC staff – outstanding in all ways!”

### Pest Control Hub

The pest control hub is a user friendly portal for customers to learn more about Northland’s worst pests, how to control them, and the rules regarding their control. The webpage also provides a way for the public to report new pests and incidents increasing the regions ability both to detect new pests early and manage existing ones. In 2017, Northland Regional Council’s Pest Control Hub won the Association of Local Government Information Management (ALGIM) award for Web & Digital Project of the Year and was runner up for Excellence in Innovation Award. Recently the Hawke’s Bay and Southland regional councils have indicated they wish to adopt the concept and design for their own pest management rules. Further information about the Northland Pest Control Hub can be found at <https://www.nrc.govt.nz/environment/weed-and-pest-control/pest-control-hub/?classification=0&orderby=Views>

## LAND MANAGEMENT

### LTP KPI Progress

Measure	Required	Latest Result to date for 2019/2020
Area (ha) of land being actively managed under a sustainable farm environment plan	Increase from 25,000 ha p.a.	9,945 hectares
Kilometres of waterway protected by Efund	New Measure – Increase (from baseline data) (220 km 2017/18 year)	155 km (Efund granted but not yet signed off)
Number of Wetlands funded via Efund annually	13	13

Staff have been concentrating on efund applications and FEP completions, targets should still be met moving forward.

### Farm Plan and Environmental Fund Update

Farm Environment Plans 2019/2020		Environment Funds 2019/2020	
FEPs Commenced 2019/20	FEPs Completed 2019/20	No. of Environment Funds Granted	Amount Granted
40	43	147	\$1,010,764*

\*This includes MfE fund proportion of Hātea projects.

### Hātea Project

An unveiling ceremony for the Hātea Catchment water quality interpretation sign was held at Otuihau Reserve on 20 September to coincide with World Rivers Day on 22 September. Kaumatua from local iwi and members of the Otuihau Working Group spoke at the ceremony, with some local community members (including a pre-school) attending. This financial year \$113K (\$42K NRC funds & \$71K MFE funds) has been granted for projects with further projects worth c. \$45,600 being scoped.

### Whangārei Harbour Catchment news

A project at Mair Park, run by the Whitebait Connection and funded by the Whangārei Harbour Catchment Group, recorded inanga spawning in the Hātea River for the first time in many years. This project created artificial spawning habitat that was used successfully by the fish. The project has prompted further work by Whitebait Connection in conjunction with WDC to create long term habitat for further spawning along with signage for public advocacy.

### Waimā Waitai Waiora – Freshwater Improvement Fund

Objective	Status
Te Kawa Waiora	Contract signed with Reconnecting Northland to deliver this project over the next two years. Recruitment for the 3 project team/researcher positions advertised.
Farm Environment Plans	13 FEPs completed, our annual KPI is 40.
Landowner grants	Total budget for landowner grants this financial year is \$341K. \$60K has already been allocated. To ensure we meet our KPI of planting 100,000 native riparian plants this year we are looking to tender this contract. We are currently scoping the parameters and confirming the locations for this. Tender should be advertised before Christmas. Remaining budget will be allocated to fencing at planting sites.
Communications and engagement	Still working with external communications agency, Level, to finalise key messaging and engagement tools for the project.
	One of our project partners, Living Water, is contributing further funding to assist in the development of 12 short videos about the catchment, harbour, people and mahi. These will be promotional videos that will be used/shared by all project partners.
Water quality monitoring	3 new water quality monitoring sites were added to the NRC network in May 2019
	Project team are working with Te Orewai hapū to develop a mātauranga monitoring pilot project. Initial field work to begin in November 2019.
Other mahi	The project was proudly promoted at the recent NZARM conference, many delegates from around the country were impressed and very interested by the Mana Enhancing Agreement.
	Million Metres Stream Project have relisted the project for further fundraising this year see - <a href="https://millionmetres.org.nz/open-project/waima-waitai-waiora-restoring-the-wairoa-river-and-its-tributaries">https://millionmetres.org.nz/open-project/waima-waitai-waiora-restoring-the-wairoa-river-and-its-tributaries</a>

### Sustainable Hill Country and Regional Priorities

Three new LMA staff and one project lead position have been recruited and started this month. Now the NZARM conference is complete, the focus has shifted to developing the project implementation plan and communication plan.

### BIODIVERSITY

#### CoastCare

CoastCare dune planting has now finished for the year. Planning is underway for 2020 planting and provisional plant numbers for spinifex and pingao have been received.

A Conservation Week planting day was held at Mapere, Ahipara with Ahipara Takiwā, Te Rūnanga o Te Rarawa, Ahipara School and the Department of Conservation. Spinifex, grown from seed collected at Ahipara, was planted on the foredune and flax and some trees, grown in Kaitiāia, were planted in the backdune.

A planting day was held at Hukatere with Pukenui School, planting spinifex onto the edge of dune blow-outs to help close them in and keep the sand in the dune area. Planting was finished off by tourists staying at nearby campsites.

Other CoastCare working bees have been held to weed and repair fences and access ways in preparation for summer.

Planning for this coming summer's Far North Kaitiaki ranger programmes is well underway. Programmes will be running in Karikari Peninsula, Doubtless Bay, Ahipara and Kaimaumu via collaboration between FNDC, DOC, NRC and iwi, with funding from the Ministry of Business, Innovation and Employment (MBIE).

## FIF Dune Lakes Project

Objective	Status
Aquatic weed and pest fish control	All community consultation has been completed. There is unanimous support for herbicide operation to proceed. Herbicide purchase will occur in Nov-Dec 2019. Supplier met with delays in shipment requiring the operation to be postponed until September 2020. Three legal pest/grass carp fishing permits have now been obtained from MPI, DOC and Fish and Game. Field work planned for summer, collaborating with DOC. The grass carp contractor has been sourced. We attended the MPI-led review of Check, Clean Dry on October 31. Year 3 iwi-partnership contracts have been signed for the year.
Fencing	A 300m fence at Lake Ngatu is the last to be complete via Ngai Takoto getting an Occupation Plan from FNDC for riparian planting the paper road currently encroached on by this farm. Lakes Shag, Waingata and Ngakeketo have been added to regular water quality monitoring schedule.
Sediment and nutrient mitigation	Planning is underway with iwi landowners towards the remedial sediment and nutrient control at Lakes Ngatu (eight drains) and Waihopo (one major drain) for FY 2020/21 delivery (Project Year 4). Meeting at Lake Ngatu on 12 November.
Māori Lakes Strategy	Success of first iwi-hosted TAG hui in Kaitiāia has led to offers from Te Roroa and Te Uri o Hau for future hosting. A marae-based overnight wananga for project iwi was held on 14-15 October to progress the Māori Lakes Strategy. Five education events have been planned for Autumn 2020. Te Ao Māori version of fish ID guide being produced. Further gear purchasing. School kits being developed.

Budget: \$150,000 from this budget is being carried over to the next financial year due to the herbicide operation being delayed

### BIODIVERSITY

Biodiversity staff attended a weekend three-day marae based Bioblitz survey run by Ngāti Manu over an extensive area of forest, wetlands and estuary in the Karetu Valley. Nearly 300 plant and 33 bird species were recorded and reported on by the team. The survey was the first in a series of three knowledge building wānanga in conjunction with iwi, Northland Polytech, Auckland Museum and others which will flow into capacity building and marae-based training for young local Māori.

Terrestrial Environment Fund applications are being prepared for the next delegated authority meeting which is expected to be fully subscribed. Several biodiversity plans for Top 150 wetlands and other private property with high biodiversity values are in progress.

### BIOSECURITY

#### Incursions

- *Mycoplasma bovis*

Biosecurity staff are assisting with the *Mycoplasma bovis* response following a surge in suspicious test results from the latest round of bulk milk samples taken from individual farms. Over a period of six weeks during September and October, two days per week were dedicated to assisting the response. Nationally, only 3% of suspicious bulk milk test results progress to a farm being declared positive for *M. bovis*, but the testing is critical to the ongoing success of the response.

The Government along with the dairy and beef industries maintain that eradication of the disease is possible as there is only one strain present indicating a single source of infection. Latest updates are available at <https://www.mpi.govt.nz/protection-and-response/responding/alerts/mycoplasma-bovis/>.

- **Ministry for Primary Industries (MPI) Incursion Response Training**

Ministry for Primary Industries staff conducted a workshop with council staff on the Biosecurity NZ Incursion response structure and process. This is very similar to the Coordinated Incident Management System (CIMS). The training explained how regions can assist MPI in responses to new to New Zealand incursion pests and diseases. The training was well received by the staff who attended, and a stocktake of skills across council is expected to provide information for the national capability network.

## **WILD ANIMAL CONTROL**

### **Wallaby Sighting**

A second wallaby sighting near Waimamaku, South Hokianga has been investigated using aerial thermal surveillance and trail cameras. In June 2019, an aerial Thermal Animal Detection System (TADS) operator observed and captured footage thought to be of a wallaby within the coastal area of the Northern Waipoua forest. An instant response was initiated by staff, however, a ground hunter deployed the following morning with a trained wallaby dog could not find the animal and DNA testing of scats from the area detected only possum. In August 2019 a specialist contractor was employed to complete ground hunting over a 10-day period, and trail cameras were deployed for surveillance. The hunting and camera traps were unsuccessful in detecting a wallaby, but staff remain vigilant and will respond to any further sightings. Additional aerial surveillance will be conducted in conjunction with other wild animal control and surveillance programmes.

### **Feral Deer – Farm Escape Response**

Staff have supported a successful response to an escaped farmed deer in Pukenui, Far North. A passing motorist took a photo of the stag from SH1 and reported the sighting to council staff in Kaitiāia. The Northland deer response team initiated a response and investigated capture and destruction options. The stag has since been destroyed.

*Photo of an escaped stag taken by a passing motorist on SH1 Pukenui*



### **Feral Deer – High Risk Deer Farm**

A deer farm in Hikurangi has been identified as high risk and there is evidence of escaped deer. The Department of Conservation has conducted two fence inspections and found the farm fences to be non-compliant with permit conditions. A contractor is scheduled to visit the farmer to discuss fencing repairs and a plan is being developed to search and either recover or destroy escaped animals. Council staff are drafting a Notice of Direction (NOD), should the farmer fail to repair the fence breaches within the agreed time frame. Both this and the Pukenui farm will be audited by Operational Solutions for Primary Industries (OSPRI) for compliance with new deer farm National Identification and Tracing (NAIT) scheme. This scheme requires animals to be tagged and the farm registered in the system.

### **Feral Pigs**

Requests for assistance dealing with feral pigs have been frequent in recent months but are now slowing down, possibly because of the warmer weather. Landowners who have high numbers of feral pigs on their land have been issued with pigs traps to use on loan and in some instances contract hunters have been used to reduce pig populations.

## **BIOSECURITY PARTNERSHIPS**

### **Tutukaka High Value Area Highlights**

- **Trap Monitoring:** Historical trap data has been compiled for entry in to the Trap.NZ and it will be uploaded in the next month. This is a landmark achievement and will enable a historical assessment of trapping success in the area.

- *Kiwi Monitoring:* Telemetry signals have been picked up from all four monitored birds with one expected to hatch a nest soon.
- *Public Engagement:* An afternoon was spent at Ngunguru School with a film crew as part of a CORE education (run by Ministry of Education) programme. They were making video resources to share with other schools to show them how Earth Ed (a specialist science and mathematics facility providing real world Earth Science educational experiences) operates and interacts with parents, Ngāti wai, Tutukaka Landcare and other stakeholders. There will be a video released that the Landcare group can share.
- *Kauri Dieback:* Further progress was made in October with mitigating the risks of kauri dieback on the Te Araroa Trail. Signage and markers were installed on the new track re-alignment (210 m) that avoids the kauri grove on the section of the trail between Clements Road and Tutukaka Department of Conservation reserve. The old trail was officially closed with locked gates, and signs directing walkers along the new route. A large number of walkers have been observed using the new trail, with positive feedback that it is clearly marked and very comfortable underfoot. The new boot cleaning station at the entry to the trail is getting regular use by walkers and appears to be working well.
- *Weed Control:* A Wild Ginger campaign was run in October on the Ngunguru Hall billboard and Facebook page. Consequently, many hours have been spent responding to and visiting leads, advising them wild ginger control, and supplying herbicide. The core team have outlined their objectives and finalised their budget for the year.
- *Species Enhancement:* The release of four kiwi from Limestone Island in Matapōuri was done on 25 October. It was a spectacular evening with a moving mihi from Kawiti Waetford (a Matapōuri hapū representative and internationally acclaimed opera singer) setting the tone for the happy event shared with ~300 visitors hailing from Auckland to Kaitiāia, and many places in between.

It was also a significant day for the local deaf community, with one of these released birds the first kiwi to have a Te Reo and sign language name. Not only did they celebrate Pikiake's naming but also the opening of a Māori sign-language school that will teach hearing Te Reo speakers to translate between the hearing and deaf world.

[https://www.nzherald.co.nz/northern-advocate/news/article.cfm?c\\_id=1503450&objectid=12279810](https://www.nzherald.co.nz/northern-advocate/news/article.cfm?c_id=1503450&objectid=12279810)

It is pleasing to report that all four released kiwis were located (via their radio transmitters) to be within 100 metres of their release burrows, the following morning.

*Mike Camm addressing an enthusiastic community of around 300 at the kiwi release*



*Kawiti Waetford (Matapōuri Hapū) and Julia Brady (Department of Conservation) at the kiwi release.*



### Whangārei Heads High Value Area Highlights

- *Weed Action:* Weed action has seen many local groups form and contribute to a wide range of weed threats in the district. The input from individuals and community is immense and they are

backed by the Weed action coordinator with technical knowledge and the right tools to tackle the sites. An example of this is the Reotahi Reserve which is having a large series of weeds tackled systematically. The efforts put in by individuals shows great dedication.

- *Kiwi Assessment:* Signals from eight of the nine monitored Whangārei Heads birds picked up this month with four either nesting or just off nests. Signals from three of the four recent releases have been picked up.
- *Sponsorship:* New sponsorship and support acknowledged from Onerahi and Whangārei Lions and Pārua Bay School.
- *Biodiversity:* It's kiwi hatching season!

*A Biosecurity Officer handling chicks who are benefitting from pest control at Whangārei Heads*



### Western Northland Pest Control

- *Taharoa Domain / Kai iwi Lakes Pest Control:* Time has been spent upgrading the bait station and trapping network at Taharoa Domain / Kai iwi Lakes before commencement of a toxin operation targeting possums and rats in October.

### Mid-North High Value Area Highlights

- *Pest Control:* Work continues in the High Value Area with more DOC 200 traps, SA2 traps and toxin deployed to new groups. Trials of new self-resetting traps and bait stations are underway and showing positive results.
- *Landcare Groups:* Z Energy Good in the Hood fundraising has been completed for Z Kaitāia and Z Taipā to support Mangatete Landcare and Doubtless Bay Landcare Groups. Two new groups have also started in the Mid-North:
  - Rangitāne Stream – buffering the Kerikeri Peninsula.
  - Upper Pungaere Road Trappers – adjacent to Puketī Forest.
- *Pest Control:* Interest in pest control continues to gain momentum with new contacts being made for future work.

*Dog handler and pest detection dogs are always popular at workshops*



### Piroa-Brynderwyn High Value Area Highlights

- *Pest Control:* A new 70 ha possum control block (using cyanide) is underway in an area between Waipū Cove and Lang's Beach.
- *Trap Lines:* Positive feedback has been received from the Bream Tail Farms trapping co-ordinator about the nodes/hub set up on traps on the Farm.
- *Weed Action:* The Piroa-Brynderwyn action group have adopted four overarching goals to add to their five-year plan. These include: fostering grass roots community involvement, providing resources for weed action, monitoring and reporting results.
- *Public Engagement:* Activities of the Weed Action Group have included:
  - Lang's Beach Reserve weeding volunteer event.
  - "Dirty Dozen" calendar production highlighting the top 12 pest plants.
  - Waipū Street Market (Labour Weekend) information stand for trapping and weed action groups.

- **Baldrock Road Trapping Workshop:** This neighbourly trapping workshop was attended by 16 locals. A Biosecurity Officer demonstrated trap types and talked about pest animals and trapping techniques. The demonstrations are aimed at encouraging local landowners to support each other and form trapping rosters. This southern area lies close to the virtual frontier barrier where the aim is to slow down pest re-invasion from Auckland into Northland.
- *Upcoming Activities:* Further planned activities include a Kiwi coast led trapping workshop at Mangawhai, hosted by Marunui Conservation.

### Tiakina Whangārei – Communities, Kaitiakitanga, Conservation

Tiakina Whangārei is a community led urban initiative helping people connect with their environment through conservation activities, while supporting existing work to protect and enhance Whangārei's native biodiversity.

- *Community Champion:* The process of setting up a Community Champion for the Tiakina project has been initiated.
- *Trapping:* A property that borders Pukenui Forest has been set up with a trapping network.
- *Public Awareness and Education:* Council staff attended public events including:
  - Growers Market stall
  - Two Conservation Week events held at the Whangārei Public Library and Kiwi North in September

*Tiakina Whangārei stall at Kiwi North Conservation Week event*



### New Zealand Association of Resource Management (NZARM) Conference



Biosecurity precautions were emphasised at the New Zealand Association of Resource Management (NZARM) conference.

*An NRC Land Management Officer getting serious about biosecurity hygiene at the NZARM conference field trip to Ngāti Hine Forests*

### Paparoa Primary School Possum Purge 2019

Recently featuring on TV1's Seven Sharp, Paparoa Primary School held their 11th Annual Possum Purge four-day fundraiser in September, concluding with a community gala day at the Paparoa showgrounds on 8 September.

Twenty-one teams participated in this year's fundraiser, with **1,098** possums recovered (up from 852 possums in 2018). The possum fur will be sold to raise much needed funds for school resources. In the lead up to the Possum Purge, staff spoke to three combined school classes about the benefits of integrated pest management, demonstrating various pest traps, and delivered six Trapinator possum traps as council sponsorship for event prize giving. Fourteen kauri dieback packs were also supplied for teams entered in school fundraiser.

A link to the Seven Sharp article can be found at <https://www.tvnz.co.nz/one-news/new-zealand/paparoa-possum-purge-sees-school-kids-pitch-in-pest-cull>

### Settlers Day – The Kauri Museum, Matakoho

Dargaville biosecurity staff participated in Settlers Day, hosted by the Matakoho Kauri Museum on Saturday 5 October 2019. Staff assisted the public with 74 enquiries on seven different animal pests including possum (20), stoat (17), rat (17), and feral/stray cat control (15).

### BIOSECURITY FUND 2019

The deployment of pest control materials for 87 biosecurity fund projects across Northland is nearing completion.

Ngāwha Corrections Facility are continuing to provide inexpensive DOC 200 boxes to council for community pest control projects.



*A load of DOC 200 boxes being collected from Ngāwhā Prison with more awaiting transport.*

This year's Biofunds are already showing excellent results. Some highlights:

- Fonterra Biofund (Kauri) has already caught **300+** possums along with mustelids and feral cats.
- Millington Road Biofund (Whangārei) has caught a staggering **500+** pests including three ferrets.
- Matawaia Kura Biofund have installed traps and are catching possums and feral cats around the Matawaia Marae.



*The first possum caught with the Matawaia Marae biofund grant involving tamariki from the kura to restore the local ngahere.  
Photo Credit: Padre Brown*

- Whangaruru School's Biofund grant will help them protect a local inanga spawning site and other associated biodiversity value areas. The school will begin with rodent control, monitoring, and riparian planting about the spawning site. School students have also been helping another council supported group at the local Otetao Reti Marae around monitoring Awa health and pest monitoring.

### Environmental Leaders



We were visited by Pete Graham from the Northern Regional Council with all the goodies we applied for. Rat traps, stoat traps, possum traps, tracking tunnels and other treats. These amazing resources are for our school area and also to help our inanga spawning site be free of pests.

This is a great initiative. If you and the whanau are interested please look at how you can establish pest management plans on your own whenua. It will take an iwi effort. We have registered our project on <https://trap.nz/> and will monitor our efforts along with thousands of others striving for a pest free Aotearoa. It is awesome!

*Biofund recipient,  
Whangaruru School  
newsletter article.*

- Donnelly's Crossing Community Group Biofund: Biofund activities are not just restricted to pest animals, this community group have been tackling pest plants.



*Before and after...*

*Donnelly's Crossing Community Group have put their Biofund grant to good use removing morning glory from this old rail building.*

*Photo credit: Rick Smith*



## **KAURI DIEBACK**

### **Kauri Dieback Management Plans**

Kauri dieback management plans continue to be developed for all positive sites as well as those that are identified as medium-high risk. All landowners / managers receive advice and a basic management plan about how to best protect their kauri and forest from kauri dieback and other diseases.

### **Kauri Dieback Surveillance Programme**

Staff are in the process of contacting landowners with unhealthy kauri found through previous aerial surveillance in preparation for site inspections and soil sampling.

### **Kauri Dieback Awareness and Education**

Awareness activities have included:

- *Christian Renewal School*: Kauri dieback staff visited the Whangārei school to raise awareness around Kauri dieback and the effects.
- *Dargaville and Herekino Pig Hunting Competitions*: The Biosecurity Wild Animal Control Officer attended the competitions on 1 September and 15 September working alongside Department of Conservation staff at both events giving out advice, information and hygiene equipment.
- *Northland Pig Hunting Club Ted Shortland Competition*: Kauri dieback staff attended the competition on 15 September and continue to sponsor prizes as well as provide hygiene equipment and advice.
- *Food, Water and Ngahere Security Hui, Otangaroa Marae*: Staff attended the hui to promote the awareness of kauri dieback with the local whānau and community and provide hygiene kits and other informational resources.

### **Emerging Technology – Remote Sensing**

Staff attended a Remote Sensing Workshop in Auckland on Friday 13 September. The workshop aimed to review current kauri remote sensing projects and discuss technical solutions to apply this technology to kauri forest management. In attendance were various remote sensing experts, scientists, kauri dieback programme partners and other stakeholders.

### **Indigenous Biosecurity Hui**

A Biosecurity Officer attended an Indigenous Knowledge and Values Hui Taumata on biosecurity held at Paparoa Marae in Tauranga. In attendance were indigenous peoples from around the globe. The hui provided a space for indigenous people to share their work in managing and protecting their natural biodiversity and related work in biosecurity.

### Treaty of Waitangi Workshop

Several staff attended a two-day Treaty of Waitangi workshop held at Waitangi. The course was led by Moea Armstrong and Hori Parata.

### Kauri Dieback Mitigation Advice

Kauri dieback mitigation advice has been provided to a variety of landowners and community groups when activities affect kauri or the potential spread of kauri dieback including:

- Waipoua Forest Sanctuary Committee before they undertake roading upgrades and maintenance through the Waipoua forest.
- Māna whenua of Ōtetao Reti marae to build a marae Kauri Dieback strategy.
- A group with developing a mountain bike track in Waitangi.
- A landowner undertaking a major property development in the Waipapa area.

## MARINE BIOSECURITY

### Hull Surveillance Programme

The 2019/2020 Hull Surveillance Programme started on 8 October 2019 with 150 vessels surveyed in the Bay of Islands to date. There was a single incident of Mediterranean fanworm found on a hull in Matawhi Bay, Russell. Trace back found that this vessel had come from Whangārei where there is an established population, and the vessel was immediately directed to clean and remove the pests. The dive contract is a two-year term and will be retendered at the end of the coming survey season.

**Table 1: Hull Surveillance Programme Results (8/10/2019 – 29/10/2019)**

2019/2020 Hull Surveillance Programme Results 08/10/19 – 29/10/19	Total this month	Total YTD
<b>Pathways Plan Compliance</b>		
Number of vessels surveyed this month	150	150
<b>% Pathways Plan Compliance*</b>	<b>46%</b>	<b>46%</b>
<b>Vessels found with Marine Pests</b>		
<i>Sabella spallanzanii</i> (fanworm)	1	1
<i>Styela clava</i> (clubbed tunicate)	0	0
<i>Undaria pinnatifida</i> (Japanese kelp)	0	0
<i>Eudistoma elongatum</i> (Australian droplet tunicate)	0	0
<i>Pyura doppelgangera</i> (sea squirt)	0	0

\* This is the percentage of vessels surveyed that complied with the acceptable level of 'light fouling' as defined in the Marine Pathways Plan.

### Ōpua Sabella Incursion

The latest phase of diving in our eradication attempt for Sabella in Ōpua is now complete. Divers systematically searched all structures in the marina and wider area, as well as a considerable area of the seafloor and the majority of vessel hulls and moorings in and around the marina. Staff are analysing the data in collaboration with a science working group from Cawthron and Biosecurity New Zealand to determine the feasibility of a continued step-wise eradication programme compared to transitioning towards a long-term management programme. In the meantime, Council will continue working with stakeholders and local mooring owners with response updates, media releases, and encourage boaties in the area to be vigilant and limit any further spread.

### Successful Grant to Study Early Detections of Marine Pests Using Molecular Tools

A medium Envirolink advice grant has been awarded for a study to investigate the use of environmental DNA (eDNA) as a tool for the detection of marine pest species. In collaboration with scientists at the Cawthron Institute, marine biosecurity staff will be collecting and analysing water samples throughout Tutukaka Harbour during November to detect the presence of pest species that

may only be present in extremely low densities. It is hoped this programme will add confidence to the assumed eradication of Mediterranean fanworm in the harbour as indicated by the past five years' diver surveillance. This will benefit the community by reassuring the marina and its users that we have the best available monitoring tools to make decisions.

### **Cawthron's Successful MBIE Bid**

The marine biosecurity team at Cawthron Institute have been successfully awarded a grant by the NZ Government's Endeavour Fund for their research proposal '*A toolbox to underpin and enable tomorrow's marine biosecurity system*'. The goals of this 5-year research programme are to develop:

1. New and environmentally-friendly tools that prevent marine pests getting a foothold in our marinas, ports and harbours;
2. High-tech molecular tools that can detect marine pests at low densities - before the 'horse has bolted'; and,
3. Simulation models and software to assist managers to better allocate effort and resources to prevent impacts from marine pests and diseases.

The project team involves collaborators and partners from over 20 organisations, including stakeholders from government, Māori, industry, and education providers. We are looking forward to collaborating with Cawthron and tangata whenua in Northland over the coming years.

### **Inter-Regional Marine Pest Pathway Plan**

The Top of the North (TON) partnership met on the 27 September and again on the 22 October in Auckland to discuss a range of issues, including our work towards identifying a preferred option for marine pest management across the regions following recent feedback collected during a consultation process. A summary of the feedback can be found at

<https://www.bionet.nz/control/marine-pests/marinepests/>

### **Auckland On Water Boat Show**

The Marine Biosecurity Team attended the Auckland On Water Boat Show alongside other members of the Top of the North (TON) Partnership between 2-6 October. The stand was manned by Auckland, Northland, Waikato and Bay of Plenty council biosecurity staff as well as Biosecurity New Zealand. The team greeted several thousand visitors who were keen to learn about marine pests and how to reduce the risk of spreading them throughout the northern regions. Staff reported a high level of awareness by Auckland boat-owners of the rules that apply in Northland, and promoted the message of "Clean below, Good to go".

### **New-to-New Zealand Marine Species Found**

*Clavelina oblonga*, a colonial ascidian native to the southern Atlantic coast of North America and the Caribbean Sea, was recently detected in Smokehouse Bay, Great Barrier Island, as part of Auckland Council's regular marine pest surveillance programme. It is unclear at this stage how widespread the incursion is, but it is likely that it will become more obvious as sea temperatures rise during the summer months. We are educating Northland's marine users about this coastal invader and encouraging anyone who encounters a marine pest to notify the regional council as soon as possible. It is crucial that boat



*Clavelina oblonga*

owners are vigilant to the issue of marine pests; under regional council rules vessels entering Northland and moving between harbours must have no more than 'light fouling' on their vessel.

## Tutukaka Crab-Trapping Response

NorthTec students on work-experience with the marine biosecurity team have been successfully trapping invasive Japanese Paddle Crabs (*Charybdis japonica*) in Tutukaka Marina during September and October. We anticipate that this work will continue as a delimitation study with input from local community members and NRC staff. *C. japonica* is a highly aggressive invasive crab species which is established in a small number of Northland harbours.

## PEST PLANTS

### Eradication Plants

- *Batwing Passionflower* – *Kamo Reserves (Te Ngahere contract 16 – 20 September 2019)*: A team grid searched in four main lines through designated. Council's Collector app (on their GPS) was used to mark the location of adults, juveniles and estimates of seedlings, and the track logs recorded. 4 mature plants, 91 juveniles, and 72 seedlings were found.
- *Batwing Passionflower* – *Hurupaki School*: Staff have continued searches of the school and surrounding area after an Enviroschools discovery of the plant in July. To date juvenile plants have been found, with one adult plant also located on a property in Dip Road.
- *Rhamnus* – *Matakohe (Te Ngahere contract 8 – 11 October 2019)*: Te Ngahere had a team of four on site at Matakohe for three days. The team grid searched management units finding a total of 20 mature stems with associated juveniles. All located plants were treated with Trichloram.
- *Mile-a-minute* – *Whangārei*: Thirty mile-a-minute sites have been visited in October. Some sites had not been visited in a very long time so plants were found at various stages of maturity. Two large sites were found.

*A large clump of mile-a-minute treated by the Pest Plant team at Portland Road. This site will need to be revisited again in 6 – 8 weeks to check die-off.*



## Manchurian Wild Rice Best Practice Day – Dargaville, 15 October 2019

NRC's Manchurian Wild Rice Officer facilitated the annual Manchurian Rice Grass Best Practise Day in Dargaville on 15 October. This workshop is a get-together of all interested parties dealing with the National Interest Pest Response (NIPR) weed. Participants came from Ministry for Primary Industries, NIWA, Auckland Council, and Waikato Regional Council (bad weather interrupting flights prevented Wellington Regional Council staff from attending). The day was a huge success and well supported by Northland pest plant contractors and a local landowner Kerry Perreau.



Kerry's passion is to find new innovative ways to deal with the invasive weed. His technique involving a single spray treatment, burning, followed by spading, uses far less chemical than traditional methods involving multiple spray applications and is yielding outstanding results.

*NRC's Manchurian Wild Rice Officer with Kerry Perreau's spader*

### National Pest Plant Accord Training

Three staff from the Pest Plant team attended National Pest Plant Accord training in October. This training is essential to implementation of Northland nursery surveillance.

### PEST FISH

#### Turtle Sightings

Turtle sightings have been becoming more common, with two wild caught turtles being brought into the council for rehoming in October. Multiple sightings are being reported by the public at AH Reed Memorial Park and turtle trap options are being investigated.

### RIVERS

#### LTP Projects

Rivers	Comments
<b>Awanui</b>	Works are under contract and will commence weather permitting. Landowner liaison continuing for overall scheme.
<b>Matangirau</b>	Following the strong meeting turnout 30 August, we have met on site with the landowners to get feedback and refine the cut and fill areas.
<b>Kawakawa – Taumāreke</b>	Staff have met with the Otiria Marae committee to progress sites of significance and fish survey request. Preparation is on track for works as planned.
<b>Whangārei</b>	Woods Road Flood wall is approximately 95% complete. Waiting on remediation of driveway surfaces and as-builts. A quantity of gravel was removed from the Waiarohia channel to provide backfill for the wall foundation.
<b>Panguru</b>	Detailed design finalised. Archaeological assessment complete. The final modelling report is complete. Draft resource consent complete. 17 of 18 affected landowners have given written consent for works to be done on their property. Request for tender out the week of 29 October.
<b>Kaihu</b>	Scoping for the tree removal in Kaihū River is underway. Quotes from different contractors regarding tree removal are sought. Planning underway for clearing works upstream of Parore cut.

### NATURAL HAZARDS

Work Streams	Status	Comments
<b>Awanui Flood Model</b>	90%	Calibration of the hydrological model is completed and peer reviewed. Flood maps incorporating the scheme design are expected to be completed by December 2019. Currently, DHI is completing status-quo models.
<b>Coastal erosion flood mapping</b>	Planning phase	Proposal received from Tonkin and Taylor, and in final stages of approval. The project, which involves updating erosion lines at the 30 existing erosion sites, mapping 10 new sites and mapping erosion across the entire Northland Coastline, will start mid-November.
<b>Coastal flood hazard mapping</b>	Planning phase	Request for proposal currently in draft form and expected to advertised as open tender early November. The project will involve coastal flood hazard mapping for entire coastline, at a range of sea level rise scenarios, to be used for regulatory hazard maps and climate change adaptation planning.
<b>Region-wide flood mapping</b>	Planning phase	Tender documents are in preparation. A quote request will be issued in December 2019. We are getting in touch with a consultancy in Australia to get an estimate of the work involved and necessary requirements to prepare the input data.

Work Streams	Status	Comments
Kerikeri Model		Near completion to release online. Model runs are completed and are being reviewed for release early next year.

### Northland Light Detection and Ranging (LiDAR) Capture

- Capture is completed. Latest processing progress reported as 91.5% complete.
- RPS Australia Asia Pacific remain confident for pre-December delivery for final datasets.
- Processing of preliminary dataset now complete and delivery expected by week ending 3/11/2019. Once received NRC to undertake further QA/QC and liaise with RPS as required.
- NRC have received and approved invoices for 100% completion (\$220k) and Submission of unclassified point cloud (\$130k)

### Climate Change Response

Risk assessment workshop was held on 29 October with guest facilitators and staff from all Northland councils. Northland climate change risk assessment under development by NRC; Stage one 75% complete; Stage 2 in data collation and methodology development phase. NRC to coordinate GIS-based risk analysis which will then inform the Regional Adaptation Strategy and associated LTP work program, due August 2020. Māori engagement process being developed in conjunction with Māori Relationship managers, MTAG and Te Huinga. Communications plan in development. Next regional adaptation group meeting to be held 18<sup>th</sup> November at NRC.

## 7.1.6 STRATEGY, GOVERNANCE AND ENGAGEMENT

### PROPOSED REGIONAL PLAN

Mediation on appeals relating to Council's decisions on the Proposed Regional Plan (excluding GE/GMOs) were held in September and October, with further mediation scheduled for later this month (November) and early next month (December). The mediation process is managed by the Environment Court, and involves all appellants and those registered as interested parties. Council is required to provide a 'progress report' back to the Environment Court and appellants/interested parties before the end of the year.

With regards to GE/GMOs, there was one appeal (lodged by Whangarei District Council and Far North District Council) against the Council's decision to not include provisions governing the release of GMOs in the coastal marine area, within the Proposed Regional Plan for Northland. The period for filing s274 notices (to become a 'party' to the appeal) closed on 25 October 2019, with a total of twenty-six s274 notices received. At the time of writing, Council is awaiting a direction from the court with regards to the next steps in this process.

### NATIONAL INITIATIVES

#### Consultations

During the reporting period, the Government released a number of proposals for consultation, including:

- Proposed National Policy Statement on Urban Development
- Proposed National Policy Statement of Highly Productive Land
- Regulated Product Stewardship (Priority products for waste minimisation)
- Hazardous substances – improvements to the reassessment process
- Action for healthy waterways (freshwater reforms).

Council resolved to delegate authority to lodge submissions on these proposals to the CEO given the timing of these consultations coincided with local government elections. The resolution requires retrospective approval from the following Council meeting. Item 6.3 in the formal agenda seeks retrospective approval from Council.

### **Climate Change Response (Zero Carbon) Amendment Bill**

After considering around 10,000 submissions, the Environment Select Committee has reported back to the House of Representatives with recommended amendments to the Bill. The Committee's final report is available here:

[https://www.parliament.nz/en/pb/sc/reports/document/SCR\\_92789/climate-change-response-zero-carbon-amendment-bill](https://www.parliament.nz/en/pb/sc/reports/document/SCR_92789/climate-change-response-zero-carbon-amendment-bill)

One of the key recommendations relates to requirements for organisations (such as councils) to report to the Minister and the Climate Change Minister on climate change risks – the Committee recommends that reporting under the Bill align with the Task Force on Climate-Related Financial Disclosures (TCFD) framework. Notably, this framework was designed for financial institutions rather than public sector organisations. The Bill has since passed its third reading.

### **Climate Change Response (Emissions Trading Reform) Amendment Bill**

This Bill introduces a range of well-signalled reforms to the Emissions Trading Scheme (ETS). A more recent change includes a delay on the pricing of agricultural livestock and fertiliser emissions until 2025 (instead of more immediate pricing at the processor level). This is on the basis that the government and agricultural sector will work together to progress emissions reduction 'on farm' – if insufficient progress is made by 2022 the government can bring the sector into the ETS at processor level before 2025. A further 'default position' allows the government to bring ruminant emissions into the ETS at the farm scale by 2025 with an obligation to account for 5% of these emissions. It is expected the Bill will be referred to Select Committee after the first reading, which will allow submissions to be made.

### **Resource Management Act Amendment**

The Government proposes several changes to the Resource Management Act 1991 (RMA) through the Resource Management Amendment Bill (the Bill). This Bill proposes a new freshwater planning process intended to assist implementation of the pending revision of the National Policy Statement for Freshwater Management 2020. The Bill is also intended to:

- repeal some of the changes made by the Resource Legislation Amendment Act 2017
- improve RMA processes
- increase maximum infringement fees under the RMA
- enable the Environmental Protection Authority to undertake enforcement action under the RMA

Staff recommend Council lodges a submission on the Bill. A supplementary item was tabled at the Council meeting of 6 November, given submissions closed on 7 November 2019.

### **DISTRICT PLANNING**

The Whangārei District Council is to hold hearings (late November – early December) on a suite of changes to the district plan relating to the urban environment. Council submitted on a number of these proposals (under staff delegations) and staff will likely attend the hearings to present evidence in support of the Council position, which primarily sought greater emphasis on the management of natural hazards.

### **ECONOMIC DEVELOPMENT**

#### **Investment and Growth Reserve – Projects Report**

<b>Project</b>	<b>October update</b>	<b>Future developments/ reporting</b>
<b>Resources Enterprise Limited (REL)</b>	Worked with lawyers to submit application for summary judgement with the High Court on quantum owed to us by REL and guarantors.	Continue to work with lawyers and REL on repayment of debt.

Project	October update	Future developments/ reporting
<b>Northland Water Storage and Use</b>	Consultant has held a large number of 1-1 meetings with landowners, has almost completed the water supply modelling, and has identified many potential storage sites. Further meetings of Project Steering Group and Project Advisory Group held.	Conclude supply and storage assessment, and get results checked by third party; undertake drop-in days in command areas; development of commercial case.
<b>Manea Footprints of Kupe</b>	Worked with Trust and FNHL to finalise funding agreement.	Seek council approval (at this meeting) to accept negotiated funding agreement.
<b>Hundertwasser Art Centre (Whangārei)</b>	Monthly progress report for August and September received.	Awaiting invoice for second payment of \$500,000 (due at 50% completion).
<b>Te Hononga / Kawakawa Hundertwasser Park Centre</b>	Request for third payment received.	Awaiting further evidence of progress in line with funding agreement before third payment is made.
<b>Extension 350</b>	Annual report for 2018/19 and first quarterly report for 2019/20 received. First quarterly invoice paid.	Continue receiving progress reporting and invoicing as per funding agreement.
<b>Extended Regional Promotion</b>	Report due for second six-months 2018/19.	Next report due for first six-months 2019/20 due in February.
<b>Twin Coast Cycle Trail (TCCT)</b>	Nothing to report.	Awaiting further progress report on remaining four easements to complete funding commitment.

#### Other Activities

- Northland Inc/Council quarterly workshop held on 10 September.
- Twenty-fifth issue of Northland Economic Quarterly released 26 September and available online at [www.nrc.govt.nz/economicquarterly](http://www.nrc.govt.nz/economicquarterly).
- Meeting with district councils, NTA and NZTA to discuss actions in follow-up to the Twin Coast Discovery Route Implementation Plan Preliminary Design and Delivery for the Northland Walking and Cycling Strategy.

#### CouncilMARK

After receiving and commenting on a second Draft, NRC feedback is being provided to the CouncilMARK Independent Assessment Board for further consideration before a rating is awarded. We have been advised that the Board is meeting on 25 November and it will be around one to two weeks after that before Council hears back from them on the outcome.

#### Section 17A Service Delivery Reviews

In accordance with requirements of the Local Government Act 2002, Council is preparing to undertake two service delivery reviews by 30 June 2020. Preliminary investigations have been conducted on both the Investment Property and Maritime activities. Resulting work is currently being scoped with external consultants to ensure that the reviews undertaken are independent and impartial. Council will receive a full report on the outcomes in due course.

#### ONLINE CHANNELS

**Most popular post on Facebook** – An educational post about the increasing reports of freshwater turtles being found or sighted in the wild, our rules around snake-necked and red-eared slider turtles, and the negative impacts they can have on our environment if left uncontrolled. The post reached over 14,000 people and engaged with more than 300 people (Reach – number of unique people who saw the post, Engaged – number of people who ‘reacted’, commented or shared post)

Key Performance Indicators	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19
<b>WEB</b>					
# Visits to the NRC website	23,100	23,200	25,900	27,400	23,500
E-payments made	2	24	16	17	12
# subscription customers (cumulative)	1,184	1,202	1,153	1,156	1,159
<b>SOCIAL MEDIA (CUMULATIVE)</b>					
# Twitter followers	1,448	1,460	1,471	1,477	1,486
# NRC Facebook fans	8,641	8,756	8,955	9,001	9,053
# NRC Overall Facebook Reach	138,600	167,300	203,100	160,100	128,300
# NRC Engaged Daily Users	4,753	9,264	11,300	9,956	8,900
# CDEM Facebook fans	16,900	17,000	17,000	17,100	17,100
# CDEM Overall Facebook Reach	49,800	66,400	21,400	49,300	44,200
# CDEM Engaged Daily Users	6,514	6,317	2,154	2,652	3,626
# Instagram followers	802	853	890	925	960

## ENVIROSCHOOLS / EDUCATION

### Final Project Pest Control course for 2019

On 19 September, the third and final Project Pest Control assessment workshop was held at Lonsdale Park, near Kāeo. 50 senior students from Kaitāia Abundant Life School, Kaitāia College, Northland College, Okaihau College and Opononi Area School attended the NCEA based workshop. Council's Biosecurity team worked with Can Train NZ to assess skills and knowledge on animal pest biology, impact and control, trapping, possum skinning and machine plucking. Pest control contractors and staff also led a session on careers in the industry.

### Final WaiFencing course for 2019

On 5 September and 17 October, WaiFencing skills and assessment workshops were held on Rangiputa Station and Karikari Peninsula, respectively. The NCEA based courses were attended by senior students from Kaitāia Abundant Life School, Kaitāia College, Northland College and Taipā Area School. Skills and knowledge learnt and assessed included: excluding stock from waterways, new fence construction, fence repair, fencing knots and ties, battening, electric fencing and identification of fencing tools and materials. The assessment workshop ended with fencing off a waterway.

### School communities facilitated

Despite the school holidays, 53 school communities were visited by Enviroschools facilitators during September and October.

## MARKETING AND ENGAGEMENT

### Events

Rivers and Natural Hazards attended the Ngāti Hine Festival at Otiria marae on 19 October, with information and advice on the Taumare Flood Management Scheme.

## MĀORI ENGAGEMENT

### Ngā Whakamahere o Te Taiao - Iwi Hapu Environmental Management Plans (IHEMP) Fund

Council has funding for an IHEMP - a plan developed by hapū and entities that are approved/endorsed by an Iwi authority. These plans describe resource management issues of importance to tangata whenua and also contain information relating to specific cultural values, historical accounts, descriptions of areas of interest (Iwi/ Hapū boundaries/rohe) and consultation/engagement protocols for resource consents and/or plan changes.

Information pertaining to this funding has gone live on the Council website and information has been distributed via NRC's hapu/iwi database, with a close-off date for applications to this fund closing on 16 November 2019.

### **Te Taitokerau Māori and Council (TTMAC) Working Party – Māori Technical Advisory Group (MTAG)**

At the final meeting of TTMAC before council elections, a recommendation that the Māori Technical Advisory Group (MTAG) continue over the recess period between the outgoing Council and establishment of the new governance structure was endorsed.

The Māori Technical Advisory Group (MTAG) offers an enhanced avenue for Māori participation in Council and provides significant benefit as it enables a Māori worldview to be applied to better inform Council programmes of work, policy and procedures.

Recent discussions and progress being made on Council work streams and programmes are listed below:

- Development and implementation of Mana Whakahono ā Rohe
- TTMAC governance review; terms of reference and membership
- Development of resource consent processes, including more consistent protocol relating to cultural impact assessments
- Inter-regional marine pest management project
- Review of the Resource Management Act
- Reviewing the freshwater quantity limits for fully allocated water bodies
- Implementing the National Policy Statement for Freshwater requirements for setting water quality objectives and limits and significance of “te mana o te wai”

### **LOCAL GOVERNMENT OFFICIAL INFORMATION (LGOIMA) REQUESTS**

<b>Month</b>	<b>LGOIMA requests received 2018/19</b>	<b>LGOIMA requests received 2019/20</b>
July	15	15
August	20	22
September	7	16
October	5	29
November	10	
December	9	
January	11	
February	15	
March	9	
April	12	
May	19	
June	11	
<b>TOTAL LGOIMA REQUESTS RECEIVED</b>	<b>143</b>	<b>82</b>
<b>Total LGOIMA requests not responded to within 20 working days*</b>	<b>1</b>	<b>1</b>

\* REQ.596134 – Request copy of advice provided to council re Resource Enterprises Limited. Due to having to seek agreement from an external party to release certain information, the request was not responded to within 20 working days.

## 7.1.7 CUSTOMER SERVICE – COMMUNITY RESILIENCE

### CUSTOMER SERVICES

#### Telephone Inbound Call Statistics & Enquiries

	October 2019	Target
Call volume via Customer Services	2,541	
Conversion rate	98.1%	>95%
Average wait time	4 sec	
Calls answered in under 30 sec	96.8%	>90%

Inbound calls this October were almost 20% higher than the same month last year. The increase was across all enquiry types with all departments generally being very busy.

#### Satisfaction Monitoring

- *Feedback Cards, Compliments and Complaints*

Feedback cards have been included with compliments and complaints, as appropriate.

Compliments received	Total
Service provided by a specific person <ul style="list-style-type: none"> <li>• P Maxwell - Consents</li> </ul>	1
Overall service <ul style="list-style-type: none"> <li>• Biosecurity (2x)</li> <li>• Consents</li> <li>• Maritime</li> <li>• Transport</li> </ul>	5
Quality of information <ul style="list-style-type: none"> <li>• Monitoring</li> <li>• Consents</li> </ul>	2
<b>Total compliments recorded</b>	<b>8</b>
Complaints received	Total
Standard of service provided <ul style="list-style-type: none"> <li>• Transport</li> </ul>	1
Disagree with decision or process <ul style="list-style-type: none"> <li>• Transport</li> </ul>	1
Lack of information or communication <ul style="list-style-type: none"> <li>• Transport</li> </ul>	1
Staff / contractor behaviour or attitude <ul style="list-style-type: none"> <li>• Transport</li> <li>• Biosecurity</li> <li>• Monitoring</li> </ul>	3
<b>Total complaints recorded</b>	<b>6</b>

All three staff/contractor behaviour complaints related to driving. The biosecurity complaint was from a woman who was frustrated by one of our vehicles slowing her down as it gave way to pedestrians in an Auckland carpark. One complaint was that one of our monitoring contractors was following too closely, and the third complaint was about a Citylink driver not stopping for a light change.

Two of the other transport complaints related to bus services not running to standard timetables which were affected by roadworks.

The final complaint was from a person wanting to use a Total Mobility card for purposes that did not apply to the terms and conditions.

All complaints have been investigated, and actioned where appropriate.

### **Regional Offices**

Temporary leased office space has been secured in both Dargaville and Waipapa to accommodate additional staff based in these areas. The Waipapa office will be an operational office and customers will continue to be serviced from the office in the Warehouse complex. The Dargaville 'pop-up office' will operate from February 2020 and will give council a customer facing presence in the main street until the new office is completed.

### **CIVIL DEFENCE EMERGENCY MANAGEMENT**

#### **CDEM Group and Coordinating Executive Group (CEG)**

The Northland CDEM Group and Coordinating Executive Group will next meet on Monday 25 November. With the recent elections there will be several changes to the representation on the CDEM Group, including a new chairperson.

#### **Warnings and Activations**

MetService weather watches were monitored throughout the month. No responses were required.

#### **Tsunami Siren Network**

The six-monthly, region-wide test of the full Northland tsunami siren network occurred at the beginning of daylight saving on Sunday 29 September. Arrangements were put in place to use Survey 123, an electronic tool, to collate the survey responses from those that monitored sirens in various locations. The responses are being collated and the outcomes will be evaluated. A tsunami siren assest managemnt plan for the region has also been developed.

#### **Emergency Management System Reforms**

MCDEM are hosting a CEG chairs and regional managers meeting on 13 and 14 November in Wellington, with the focus on the Emergency Management System Reforms. The establishment of the new National Emergency Management Agency, which will replace MCDEM will be outlined. Although no definite time frame is available at this time, establishment of the NEMA is likely to occur within this financial year and potentially as early as Christmas. A number of the recommendations outlined in the Technical Advisory group report are being progressed and the work programmes associated with the recommendations will also be discussed.

#### **Meetings and Workshops with Partner Agencies**

The fourth Welfare Co-ordination Group meeting for the year was held on 8 November.

Northland CDEM professionals and controllers travelled to Papatoetoe and Ardmore to observe the NZ Urban Search and Rescue exercise in late October. The exercise is a trial run for the five-yearly international accreditation and involved working rescue scenarios alongside the establishment of coordination facilities. The group gained valuable insights into the USAR methodologies and practices.

In late October MPI conducted three workshops in the region focusing on animal welfare in a disaster.

### **TRANSPORT**

#### **Regional Transport Planning**

- The National Transport Working Group tasked with reviewing the compilation and content of Regional Land Transport Plans (RLTP) and Regional Public Transport Plans continue to work with the New Zealand Transport Agency and the Ministry of Transport in an effort to streamline both documents.
- With the need to commence work on the 2021/2027 RLTP's rapidly approaching, early agreement by all parties has become urgent.

### Government Policy Statement

- The planned release of the Draft Government Policy Statement (GPS) in December 2019 has been delayed to February/March 2020. This document is the government's objectives for the land transport system.
- Delays in the release could potentially adversely affect the RLTP compilation process with the prescribed time period as all RLTP's must be seen align with the government's objectives.

### Regional Transport Committee

- Due to the Local Government Elections held during the month of October 2019, there was no Regional Transport Committee meeting held.
- The next meeting is scheduled for 2 December 2019.

### PASSENGER TRANSPORT ADMINISTRATION

#### Total Mobility

Total Mobility (TM) figures are reported one month in arrears, due to the required information being unavailable at the time of the agenda deadline.

	Total Clients	Monthly Actual Expend	Monthly Budgeted Expend	Monthly Variance	Year/Date Actual Expend	Year/Date Budgeted Expend	Annual Variance
Aug 2019	1,529	\$20,300	\$25,000	-\$4,700	\$40,948	\$50,000	-\$9,052
Sept 2019	1,538	\$19,531	\$25,000	-\$5,469	\$60,479	\$75,000	-\$14,521

#### Regional Contracted Bus Services Operational Statistics *(due to the report deadlines, statistics are a month behind)*

September 2019 (revenue ex GST)	Actual	Budget	Variance	Year/Date Actual	Year/Date Budgeted
City Link Passengers	32,559	30,010	2,549	96,193	91,371
CityLink Revenue	\$39,598	\$40,514	-\$916	\$123,449	\$123,351
*Mid North Link Passengers <i>(introduced revised 01-05-19)</i>	152	144	8	574	468
*Mid North Link Revenue <i>(introduced revised 01-05-19)</i>	\$612	\$720	-\$108	\$2,214	\$2,340
Hokianga Link Passengers <i>(introduced revised 01-05-19)</i>	59	72	-13	184	234
Hokianga Link Revenue <i>(introduced revised 01-05-19)</i>	\$540	\$939	-\$399	\$1,785	\$3,051
Far North Link Passengers	491	621	-130	1,608	1,987
Far North Link Revenue	\$1,192	\$1,552	-\$360	\$3,721	\$4,968
Bream Bay Link Passenger <i>(Started 01-08-19)</i>	47	24	23	132	54
Bream Bay Link Revenue <i>(Started 01-08-19)</i>	\$305	\$86	\$219	\$799	\$195

#### CityLink Reduced Fares

The reduction in fares in October 2018 is due to the implementation of the new electronic ticketing system, which continues to have positive results in regards to increasing passenger numbers.

### **World Car Free Day**

This year's World CarFree Day officially fell on Sunday 22 September. Due to no CityLink services on a Sunday, the event was held Friday 20 September. An average of 1,200 passengers normally use the service each day. This rose to 2,500 on CarFree Day, an increase of 1,300. This was a very successful exercise.

### **Road Safety Update**

September and October has been a busy period for road safety activity. The New Zealand Police have run a number of road policing campaigns targeting Restraints, Impairment, Distractions, Speed (RIDS). The Police CVST (Commercial Vehicle Investigation Teams) involving Northland and Auckland Police teams have been very proactive targeting the heavy freight sector.

Media campaigns during September and October have targeted "Young Drivers, Distractions, Alcohol and Speed".

Since July 2019, 65 motorcycle have attended the ACC Ride Forever motorcycle courses in Northland and subsidised by Northland Regional Council. For the same period in 2018 there had been 55. With increased promotion by both ACC and road safety partners these training numbers should keep increasing. There have been five motorcycle deaths on Northland roads this year.

A successful Driver Reviver/Fatigue Stop was held north-bound on the Friday prior to Labour Week where around 300 motorists stopped. The events provide an opportunity to engage with drivers and passengers around road safety and particularly fatigue management. The large number of road safety partners that support this initiative is appreciated by motorists.

The Government has planned to release their new "Road Safety Strategy –Road to Zero" in November 2019.

As at the end of October 2019 the number of deaths on:

- Northlands roads was 25 compared to 27 for the same period in 2018 (18 of this year's deaths have been on State Highways); and
- National roads was 274 compared to 305 for the same period in 2018.

### **MARITIME**

There were three cruise ships that called to the Bay of Islands.

Forty-five incidents were recorded for October, including three oil spills of minor nature, and the usual offences. Maritime featured in local media after assisting with several weather-related incidents. The weather event saw several vessels break free from moorings - one particularly large vessel was recovered, with assistance from Maritime Staff, after going aground in the Bay of Islands.

The Tuia 250 fleet arrived in Whangārei without incident. The council vessel Ruawai was in attendance with a member of Whangārei constabulary and the event organiser on board.

The council vessels are all operating without fault. Rolling maintenance of ATON is on-going, and the maritime team provided on water monitoring services to other departments.

The Northern Region Harbourmaster meeting was attended by the Harbourmaster and deputy to coordinate summer safety campaigns.

STCW (Safety, Training, Certification and watchkeeping) refresher training was completed by the Harbourmaster and deputy to maintain Master's licence currency.

The Coastal plan mediations were attended by staff with progress made regarding appeals surrounding recreational protected anchorages and sewage holding tank pump out limits.

The Marsden Point Oil Spill Response group meeting was held on 30 October. Along with Maritime NZ representatives, this group is developing oil response options for Marsden Point.

Staff are continuing to work with the owner of several vessels currently located in Mangonui which are causing issues, one of which has sunk.

A project to upgrade a number of Pile moorings (approximately 30) in Kerikeri inlet is progressing.

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**TITLE: Business with the Public Excluded**

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**Executive Summary**

The purpose of this report is to recommend that the public be excluded from the proceedings of this meeting to consider the confidential matters detailed below for the reasons given.

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**Recommendations**

1. That the public be excluded from the proceedings of this meeting to consider confidential matters.
2. That the general subject of the matters to be considered whilst the public is excluded, the reasons for passing this resolution in relation to this matter, and the specific grounds under the Local Government Official Information and Meetings Act 1987 for the passing of this resolution, are as follows:

Item No.	Item Issue	Reasons/Grounds
8.1	Human Resources Report	The public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to protect the privacy of natural persons, including that of deceased natural persons s7(2)(a).

3. That the Independent Financial Advisor be permitted to stay during business with the public excluded.
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**Considerations**

**1. Options**

Not applicable. This is an administrative procedure.

**2. Significance and Engagement**

This is a procedural matter required by law. Hence when assessed against council policy is deemed to be of low significance.

**3. Policy and Legislative Compliance**

The report complies with the provisions to exclude the public from the whole or any part of the proceedings of any meeting as detailed in sections 47 and 48 of the Local Government Official Information Act 1987.

**4. Other Considerations**

Being a purely administrative matter; Community Views, Māori Impact Statement, Financial Implications, and Implementation Issues are not applicable.