

Planning & Regulatory Working Party
Wednesday 29 April 2020 at 9.30am

AGENDA

Planning & Regulatory Working Party Agenda

Meeting to be held via Zoom video and teleconferencing
on Wednesday 29 April 2020, commencing at 9.30am

Please note: working parties and working groups carry NO formal decision-making delegations from council.
The purpose of the working party/group is to carry out preparatory work and discussions prior to taking matters to the full council for formal consideration and decision-making. Working party/group meetings are open to the public to attend (unless there are specific grounds under LGOIMA for the public to be excluded).

MEMBERSHIP OF THE PLANNING & REGULATORY WORKING PARTY

Cr Joce Yeoman (Chair)

Cr Amy Macdonald	Cr Colin Kitchen	Cr Justin Blaikie
Cr Penny Smart (ex officio)	Pita Tipene	Juliane Chetham
Rowan Tautari	Mira Norris	


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TITLE: Receipt of Meeting Notes
ID: A1296950
From: Rachael King, Planning & Policy Administrator

Executive Summary | Whakarāpopototanga

The purpose of this report is to present the meeting notes from the last meeting held on 29 January 2020 for review by the meeting.

Attachments | Ngā tapirihanga

Attachment 1: Meeting Notes - 29 January 2020 [↓](#) 

Authorised by Group Manager

Name: Jonathan Gibbard
Title: Group Manager - Strategy, Governance and Engagement
Date: 18 March 2020

Planning and Regulatory Working Party
29 January 2020

Planning & Regulatory Working Party Meeting Notes

Meeting held in the Kaipara Room
36 Water Street, Whangārei
on Wednesday 29 January 2020, commencing at 9.00am

Present Tuhinga:	Cr Joce Yeoman	(Chair)
	Cr Amy Macdonald	
	Cr Colin Kitchen	
	Cr Justin Blaikie	
	Cr Penny Smart	(Ex-Officio)
In Attendance I Tae Mai:	GM - Strategy, Governance and Engagement	
	GM - Regulatory Services	
	Strategy, Policy & Planning Manager	
	Compliance Monitoring Manager	
	Natural Resources Policy Manager	
	Strategic Policy Specialist	
	Policy Specialist – Water	
	Policy Specialist	
	Strategy, Planning & Policy Administrator (minutes)	

The Chair declared the meeting open at 9.00am

1.0 APOLOGIES | NGĀ WHAKAPAHĀ

The apologies from the NRC Chief Executive for non-attendance were received.

2.0 DECLARATIONS OF CONFLICTS OF INTEREST | NGĀ WHAKAPUAKANGA

It was advised that members should make any declarations item-by-item as the meeting progressed.

3.0 REPORTS | NGĀ RIPOATA

3.1 Planning & Policy Work Programme

Presented by: Strategy, Policy & Planning Manager

- Work on the Proposed Regional Plan appeals is consuming approximately 90% of the team's time and this will continue for the next four to six months in order to meet Court timeframes
- The other big project is the Freshwater Plan Change – this will be addressed as a separate agenda item
- A workshop with council regarding coastal occupation charging is needed in the next few months
- Coastal occupation charging: put out discussion document in the middle of the year (endorsed by council) and then look to put out a draft towards the end of this year
- Discussion took place re possibility of external funding for marine biodiversity research

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9.09am – Cr Penny Smart joined the meeting

- Current wetland mapping information is unable to distinguish between wet areas and wetlands - this could require additional funding once the decision as to what the next step should be is confirmed
- The next step will ideally enable not only the identification of wetlands, but also significant areas, however, ground truthing may also be required
- Discussion re issue raised at CE's forum – transfer of powers etc.

Agreed Action Points:

- Planning to present Coastal Occupation Charging to full Council workshop by April
- Project plan for the fishing controls project to be presented to the March WP meeting (BL)
- Update on wetland mapping to be presented to the March WP meeting (BL)

3.2 Regulatory Services Work Programme

Presented by: GM - Regulatory Services (tabled)

- Previously Regulatory has not been represented or reported at WP
- Currently halfway through the development of the RMA compliance monitoring and enforcement strategy
- Working with Civil Defence – internal “Drought Management Committee” to plan in case of critical water shortage where it may be necessary to tank water in to affected communities
- Hydrology work is currently the priority
- Looking at restrictions etc historically - what can NRC do to send a clear message to TAs to make changes / improve infrastructure

9.44am – a member of the public joined the meeting

Policy Specialist – Water left the meeting

- Issues are ongoing, while affordability is a key aspect, there is an ongoing issue with the likes of Kaikohe and Kaitiāia needing to ensure that environmental bottom lines are not breached
- Bond requirements for marine farms – predominantly around removal of structures etc
- A lot of marine farmers have been hit by viruses and weren't producing, however, they are all up and running again now
- There is no reason now for those who haven't complied to put a bond in place – some are still struggling, but ultimately if there is a structure then a bond is necessary in case of abandonment

Agreed Action Points:

- Nil

3.3 Update on Regional Plan Appeals

Presented by: Natural Resources Policy Manager

- Eighteen days of mediation have been held to date
- Approximately 60% of appeal points mediated have been resolved
- Approximately 35% of points are unresolved, but resolution is considered possible – an update to court is due by 28 February

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- Pre-hearing conference took place earlier in the month: there will be hearings in May (mangroves) and in April – (air quality)
- The Chair congratulated the team on their progress to date

Agreed Action Points:

- Proposed wording by 31 January – GM Strategy Governance & Engagement and Cr Yeoman to review before this is sent out (MD)

The order of the agenda items was rearranged to allow for other commitments by attendees

3.5 Central Government Initiatives - Overview

Presented by: Strategic Policy Specialist

- Where no attachments are included, information has been provided as to which direction things are likely to go
- Discussion took place regarding the increase in cost of NZUs

10.04am – Policy Specialist joined the meeting

- Proposed emissions budget (provisional) flatline trajectory from 2021 to 2050 - can always increase downwards pressure on emissions as further technology becomes available
- If all units are allocated and auctioned off prior to agriculture allocation, then farms will be left with limited units and will have to either decrease or pay
- Accelerating Renewable Energy – support for geothermal to be noted, however, while the resource is “green”, it is not an inexhaustible supply and requires careful management

Water Services Regulator Bill

- Affordability – do we have ballpark figures for updates to infrastructure?
- Next bill will set out function and criteria of Board, exact wording etc.

Indigenous Biodiversity

- This is largely focussed on district council functions and sets up a number of things that need to happen to manage biodiversity
- Recognises tangata whenua as kaitiaki
- The intention is commendable, but there are a large number of issues, contradictions and gaps with the way it’s written, including issues with overlap and the way it sits with other legislation
- Council has been involved in working groups and SIGs, as much as possible, to be at the front end of development and implementation, but this NPS is not a reflection of that
- Implementation can be an issue in terms of central government devolving responsibility, with no corresponding funding or resources provided

Agreed Action Points:

- Council to signal that from a regional perspective, there needs to be a balance between allocating to industries such as afforestation and leaving sufficient in reserve for farming
- A paper is being presented to Council on 18 February
- Other submissions will be sent out to WP members prior to being sent to agenda (JM)

10.33am – Compliance Monitoring Manager, Strategic Policy Specialist & Policy Specialist left the meeting

Policy Specialist – Water joined the meeting

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3.4 Council Water Policy Development

Presented by: Policy Specialist - Water

- NIWA are currently developing a customised model for Northland – expected in mid-2020
- Once there is an understanding of what government wants to do, then Council will be able to look at what is required to improve water quality and the costs of doing so, bearing in mind that things could change if there is a change in government following this year's election
- Potential changes to water flows / volumes – several are fully allocated and may be showing signs of ecological effects
- Looking at exploring altering allocations to those water bodies – had to meet a set of criteria to be included
- Additional resource requirements will be factored into the LTP
- Limited drought modelling has been done through the science team to provide an idea of what impact a drought may have on water sources

Agreed Action Points:

- Keep this as a standing item on WP agenda moving forward (RK)
- Present water quality potential engagement models to the March WP meeting (BL & BT)
- Send a copy of the criteria to select water bodies to WP members (BT)

The meeting closed at 10.44am

TITLE: Planning and Policy Work Programme

ID: A1296518

From: Ben Lee, Strategic Policy and Planning Manager

Executive Summary | Whakarāpopototanga

The Planning and Policy team's work programme was presented to the January 2020 Planning and Regulatory Working Party meeting. The work programme is presented again for the benefit of the recently appointed TTMAC members of the Planning and Regulatory Working Party and to provide an update on progress on some items.

The following table sets out the work programme for the Planning and Policy team for the next three years. It only includes work relevant to the Planning and Regulatory Working Party's terms of reference.

Note – the *Coastal Occupation Charging* and *Mana Whakahono o Rohe* activities have been updated since the January workshop.

Activity	Detail	When
Coastal occupation charging	Develop regime options for further council direction on whether to proceed releasing a discussion document for public feedback	June / July 2020
Marine protected areas	Progressing Mimiwhangata proposal with Ngātiwai. Explore implications of recent case law on council's ability to regulate fishing.	TBC
Wetland mapping	Mapping project to clearly define wetlands and provide certainty about where wetland rules apply. Methodology and technology limitation mean final delivery date is unknown.	TBC
Freshwater quality management plan change	A plan change to set freshwater quality objectives and limits and regulation to ensure the objectives are achieved and limits are met. Required to give effect to the Freshwater NPS	Notify 2021 – separate item outlining detailed timeframes and deliverables.
Catchment-specific water quantity limits	Possible plan change(s). Catchment-specific limits to replace regional 'default' limits for priority water bodies. Contingent on outcome of technical work in priority catchments.	TBC (if at all)
Proposed Regional Plan appeals	Environment Court process. Through mediation to date, the parties have managed to reach consensus on the majority of appeal points (approx. 75% of the appealed provisions have now been agreed between the parties).	Hearings on unresolved matters start April 2020.

Activity	Detail	When
	Council staff are continuing to liaise with appeal parties in order to resolve further provisions.	
District plan changes	The planning team provide feedback and make submissions on changes to district plans. The main reasons are to ensure the RPS is being given effect and ensure council operations (e.g. flood management) are not unduly regulated.	Ongoing
District council consents (review / commentary)	See explanation for district plan changes.	Ongoing
Treaty settlement process	Supporting Treaty settlements as there are implications for council's activities. Currently involved in the Kaipara Moana settlement process.	Ongoing
TOAT Beach Board (90 Mile Beach)	Advice to board and leading / assisting with preparation of beach management plan.	Advice to board – ongoing Beach management plan – complete early 2021
NRC input into national proposals (e.g. proposed NPS for biodiversity)	Lead council input into national proposals (e.g. submissions and sitting on advisory groups).	Ongoing
Regional Plan guidance material	Once the Plan (or parts of) are operative, the planning team will produce guidance material to assist with interpreting / implementing the Plan.	Start mid 2020
Additional sites of significance to tangata whenua – plan change	Possible plan change. Likely to piggy-back on other water related plan change.	Notify 2021
Mana Whakahono o Rohe (MWR)	Planning team assisting Maori relationships team with roll-out of joint hapū MWR. Will also be involved in developing any iwi based MWR	Council approved joint hapū MWR February 2020. Next step is to roll out with active hapū.
RPS – 5-year review	RMA requires a review of the RPS.	2021

Recommended Actions

- Nil – presented for information purposes only

Background | Tuhinga

Not relevant.

Authorised by Group Manager

Name: Jonathan Gibbard
Title: Group Manager - Strategy, Governance and Engagement
Date: 19 March 2020

TITLE: **Unconsented Grids**

ID: A1296601

From: Michael Day, Natural Resources Policy Manager

Executive Summary | Whakarāpopototanga

Coastal 'Grids' are structures located in the coastal marine area that are used in association with boat maintenance activities, such as inspection of vessel hulls, removal of micro-fouling marine growth and the cleaning of vessel hulls.

Throughout Northland, there are a mixture of consented and unconsented grids and the physical state of grids also varies throughout the region. As a general rule of thumb, the consented grids tend to be maintained in good order and repair, while the unconsented grids vary from being in reasonable order and repair to almost derelict.

It is understood that there are currently approximately thirteen unconsented grids in Northland. Over the years, there have been numerous incidents of misuse with unconsented grids (such as cleaning of hulls using high-pressure water abrasive blasters or using hand or power tools to remove marine growth (macro-fouling) from vessel hulls).

Council has historically had no authority to remove these structures, however, recent law changes have given council the ability to remove unauthorised structures if they are deemed to be 'abandoned' – council needs to undertake an exercise to determine this.

The Proposed Regional Plan for Northland does not have specific rules for grids, nor is there any policy guidance to test and determine the appropriates of these structures – they are treated as 'coastal structures'. This means that most unconsented grids would be treated as 'discretionary' activities if a resource consent was sought to authorise their existence¹.

Whilst it is acknowledged that there needs to be facilities (accessible for all) for regularly cleaning vessel hulls to keep unwanted growth and invasive biosecurity risks at bay, this needs to be balanced against the need to respect and sustainably manage our marine environment.

It is noted that staff from council's marine biosecurity team and coastal and water quality field operations team are undertaking background research into whether a policy (not necessarily an RMA 'policy') needs to be developed to potentially phase out unconsented grids. It is hoped that this can be brought back to this working party in the near future.

Relevant staff will attend this working party meeting to respond to questions.

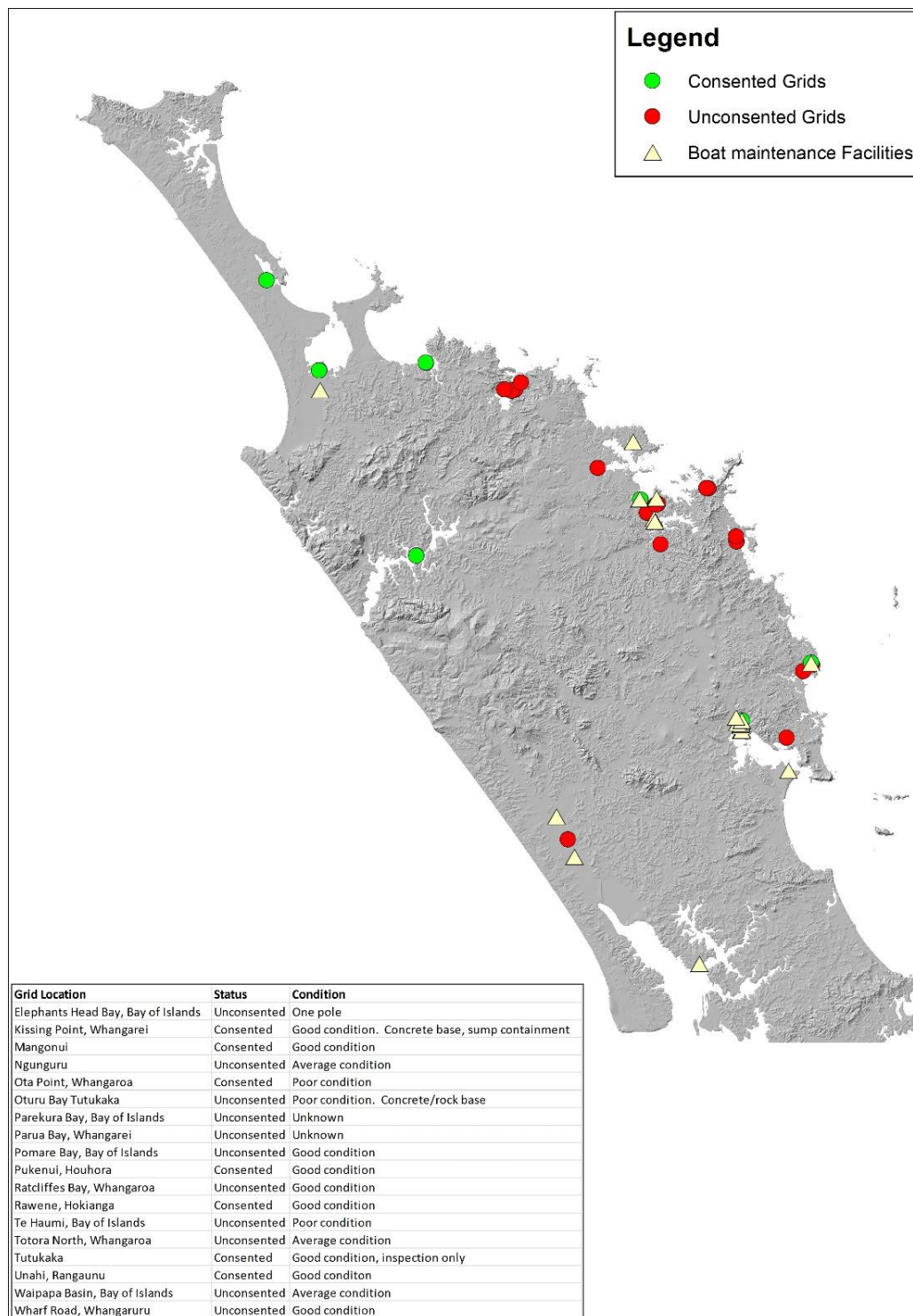
Recommended Actions

1. That the Planning and Regulatory Working Party receive the paper and provide verbal feedback.

¹ It would be treated as a non-complying activity in a mapped 'significant' area

Background | Tuhinga

List and Location of Grids in Northland



Authorised by Group Manager

Name: Jonathan Gibbard

Title: Group Manager - Strategy, Governance and Engagement

Date: 19 March 2020

TITLE: Plan change to implement the water quality planning requirements in the National Policy Statement for Freshwater Management 2017

ID: A1296877

From: Ben Tait, Policy Specialist - Water

Executive Summary | Whakarāpopototanga

The purpose of this report is to:

1. Provide Council with an update on the project for developing a plan change to implement the water quality planning requirements of the National Policy Statement for Freshwater Management 2017 (NPS-FM); and
2. Seek Council's feedback on an approach for engaging with communities, including tangata whenua, and key stakeholders in developing the plan change.

Recommended Actions

1. That the Working Party receives the Project Plan for implementing the water quality planning requirements of the NPS-FM.
 2. That the Working Party provides feedback on the proposed approach for engaging with communities, including tangata whenua, and key stakeholders in developing the plan change.
 3. That the Working Party seeks TTMAC feedback on how best to seek Māori participation in the plan change process prior to seeking Council formal approval.
-

Background | Tuhinga

Northland Regional Council is in the early stages of preparing a plan change to implement the water quality planning requirements of the National Policy Statement for Freshwater Management. The plan change is scheduled to be notified late 2021.

The NPS-FM, which was first issued in 2011, and subsequently amended in 2014 and 2017, directs regional councils to manage fresh water in an integrated and sustainable way, while providing for economic growth within set water quantity and quality limits².

Regional councils must include freshwater objectives and limits in regional plans as well as methods (including rules) to ensure that objectives are met, and limits not exceeded.

Freshwater objectives must be set to maintain or improve the quality of water in each freshwater management unit in order to safeguard "compulsory values" (ecosystem health and human health for recreation).

A "freshwater management unit" is a water body, multiple water bodies or any part of a water body determined by the regional council as the appropriate scale for setting freshwater objectives and limits and for freshwater accounting and management purposes.³

² A "limit" is the maximum amount of resource use available, which allows a freshwater objective to be achieved.

³ See the following guidance for more information:

http://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/guide-to-freshwater-management-units_0.pdf

Council agreed to defining draft freshwater quality management units largely based on the catchments of major harbours.

Freshwater objectives must also be formulated in numeric terms using the relevant attributes⁴ in Appendix 2 of the NPS-FM and any other attributes that the council considers appropriate for each value for the freshwater body type.

Northland Regional Council committed to notifying a plan change in 2021 to implement the freshwater *quality* planning requirements of the NPS-FM. The commitment is set out in the council's Progressive Implementation Programme⁵. The freshwater *quantity* planning requirements of the NPS-FM are already being implemented through the Proposed Regional Plan for Northland⁶.

Council approved a timetable for developing the plan change to implement the freshwater *quality* planning requirements of the NPS-FM at its 18 June 2019 meeting. Key milestones are set out below:

1. Provide the evidence base to underpin the plan change and any accompanying new non-regulatory initiatives (November 2019 – March 2021).
2. Draft the plan change and a RMA section 32 evaluation report (July 2020 – July 2021).
3. Notify the Proposed Water Quality Plan Change (by 31 December 2021).
4. Engage with iwi and hapū, key stakeholders and the wider community throughout the process.

The initial stages of the work programme to prepare the plan change are on track.

Further details on the work programme are set out in the attached project plan (Attachment 1). Meaningful engagement and discussions with the community, including iwi and hapū, and key stakeholders is essential to developing a robust plan change. Council staff have proposed a targeted approach that is summarised in the second attachment to this report (Attachment 2). Feedback on the approach is sought Council. It is recommended that TTMAC input be sought on the draft engagement proposal prior to presenting to Council for formal adoption.

Attachments | Ngā tapirihanga

Attachment 1: Project plan for implementing the water quality planning requirements of the NPS-FM



Attachment 2: Proposed approach for engaging the community, including tangata whenua, and key stakeholders



Authorised by Group Manager

Name: Jonathan Gibbard
Title: Group Manager - Strategy, Governance and Engagement
Date: 22 April 2020

⁴ See the following guidance for more information:

<http://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/a-draft-guide-to-attributes.pdf>

⁵ <https://www.nrc.govt.nz/media/9590/northlandregionalcouncilsprogrammeformplementingthenationalpolicystatementforfreshwatermanagementmarch2018.pdf>

⁶ Council is likely to progress a plan change in the future to set catchment specific water quantity limits on a prioritised catchment basis. This work, and the seeking of advice regarding the involvement of tangata whenua in the plan change, will be brought to a future TTMAC meeting.

Implementing the NPS-FM Water Quality Planning Requirements – Project Plan

Document Control

Document Information and Revision History

Document Name	NPS-FM Implementation 2019 and beyond
Original Author(s)	Ben Tait

Version	Date	Author(s)	Revision Notes
1	14/03/201	Ben Tait	First draft for review
2	21/05/2019	Ben Tait	Final draft for sign-off
3	18/03/2020	Ben Tait	Updated

Document Sign-Off

Name	Signature	Date
Jonathan Gibbard, Group Manager – Strategy, Governance and Engagement		

1. Project Purpose and Objectives

1.1 Purpose

The purpose of the project is to implement the water quality planning requirements in the National Policy Statement for Freshwater Management 2017 (NPS-FM). Specifically:

1. Developing and notifying a plan change that:
 - a. Contains freshwater quality objectives and limits or, if necessary, targets for all freshwater (quality) management units (FMUs);
 - b. Contains policies and rules to avoid or, if necessary phase out, over-allocation;
 - c. States what improvements will be made, and over what timeframes, to the quality of water in “specified rivers and lakes, and primary contact sites”, so they are suitable for contact recreation more often;
 - d. States how the quality of water in “specified rivers and lakes, and primary contact sites”, will be maintained if regional targets established under Policy A6(b) have been achieved; and
2. If appropriate, developing non-regulatory initiatives to assist with the achievement of freshwater quality objectives.

It is important to note that the Government announced that it intends to issue an amended NPS-FM and a National Environmental Standards for Freshwater Management (NES-FM).¹ Consultation on both documents happened late-2019 and a new NPS-FM and new NES-FM are expected to be in force by July/August 2020.

It is likely that this project plan will need to be revised subsequent to the gazettal of the national planning documents. The Council may also need to notify a new progressive implementation programme (PIP) if the current timeframe is not enough for developing a robust plan change to address additional new planning requirements.

1.2 Objectives

The key objectives of the project are:

- To have meaningful discussions with communities, including tangata whenua, about the current and desired quality of the region’s fresh and coastal waters as it affects values and uses of water.
- To use the best available information, and obtain other information where it is necessary, to inform robust decisions on freshwater planning and management.
- To prepare and notify a plan change that gives effect to the water quality planning requirements of the NPS-FM.

¹ <http://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/essential-freshwater.pdf>

2. Project Scope

The project is to implement the policy direction on freshwater quality planning in Part A of the NPS-FM and related policy direction in Parts AA, C, CA and D.

The project may identify non-regulatory methods² to help achieve freshwater objectives (for example, afforestation and revegetating riparian buffers), which may be the subject of annual and long-term planning processes under the Local Government Act 2002.

Revisiting and potentially revising the freshwater quantity objectives and associated freshwater quantity limits in the Proposed Regional Plan for Northland (PRPN) for some of the region's highly/fully allocated catchments is the subject of a different project plan. Council's immediate priority is to implement the water quality planning requirements of the NPS-FM.

Implementing the plan change and ongoing environmental monitoring are not within the scope of this project. This includes maintaining a freshwater quality accounting system.

Successful delivery of this project is contingent on council departments working closely together and adequate resourcing. The principal areas of work to deliver the project are:

1. **Providing the evidence base** – This involves obtaining the technical evidence in a timely manner to underpin the plan change and any non-regulatory initiatives, including options analyses. The evidence base will be comprised of two things: (a) information on current water quality state in the region's rivers and lakes, and (b) information on the effects of actions to prevent or reduce contaminant losses on current water quality state, including the associated economic costs of doing so.³
2. **Developing the plan change** – This involves drafting the plan change and the accompanying RMA section 32 evaluation report, and identifying any non-regulatory initiatives for LTP processes or re-prioritised funding. This area of work also involves Council reporting and decision-making.
3. **Stakeholder and community, including tangata whenua, engagement** – This involves having discussions with stakeholders and communities, including tangata whenua, in the plan development process.
4. **Doing the plan change** – This involves the RMA Schedule 1 notification process (e.g., notification, submissions, hearings, appeals, etc). This area of work also

² Methods to avoid over-allocation can apply to both point source and diffuse discharges, and include both:

- Regulatory methods, such as regional rules and conditions about allocation on resource consents; and
- Non-regulatory methods, such as funding catchment remediation activities, landowner advisory and extension programmes, voluntary or partnership programmes, or supporting industry-led programmes.

involves Council reporting and decision-making. Note that this project plan only covers the period leading up to notification.

3. Responsibility for the Project

3.1 Project sponsor

Jonathan Gibbard, as project sponsor, is responsible for:

- Securing and approving budgets
- Monitoring progress against key milestones
- Keeping ELT informed on progress
- Approving all agenda items, documents, and other key information prior to being presented to Council

3.2 Project manager

Ben Lee, as project manager, is responsible for:

- Managing the project team on a day to day basis
- Conducting overall planning and management of resources
- Keeping the project plan up-to-date
- Ensuring delivery of results and output requirements
- Ensuring that the project team are advised about their role in the project and in each phase
- Encouraging the project team to provide formal and informal feedback.

3.3 Water Steering Group

The Water Steering Group consisting of the following people is responsible for approving, and signing-off on changes to the project plan, major scope changes, and ensuring project integration across council:

- Jonathan Gibbard
- Ben Lee
- Colin Dall
- Jason Donaghy
- Bruce Howse
- Duncan Kervell.

3.4 Project team

The following table lists the people that are central to the development of the plan change.

Department	Role	Key staff
Strategy, Governance and Engagement	Project management.	Ben Lee
	Drafting and notifying plan content, including supporting benefit-cost analysis (RMA s32 reports).	Ben Lee Ben Tait Darryl Jones
	Commissioning research to support policy development.	
	Providing technical evidence to support plan changes.	
	Outlining statutory requirements in collaboration with the Regulatory Services department.	Ben Lee Ben Tait
	Leading stakeholder and community engagement, including iwi and hapu.	Ben Lee Ben Tait Cathy Erstich Auriele Ruka
Environmental Services	Developing communications and engagement material.	
	Providing technical support.	Duncan Kervell Lester Bridson Lorna Douglas Michael Mitchell
	Ensuring linkages with non-regulatory water quality improvement initiatives.	
Regulatory Services	Assisting with stakeholder engagement and reporting.	
	Undertaking, commissioning, and providing monitoring and research to support policy development.	Jason Donaghy Jean-Charles Perquin Susie Osbaldiston Stephen Kitto Ricky Eyre
	Providing resource consent data for analysis.	Stuart Savill Tess Dacre
	Providing feedback on the practicalities of policy and rule options.	

4. Key Deliverables, timeframes and costs

4.1 Providing the evidence base

Good information is necessary for identifying and evaluating management options, which is a requirement of the NPS-FM and RMA.

The plan change development approach will involve identifying a range of management options (i.e., scenarios) for avoiding and mitigating contaminant losses to water, and then characterising the consequences of the scenarios in terms of effects on current water quality state and the associated economic costs. The next step will be to choose a scenario (or set of scenarios) that achieves an acceptable balance across multiple values, which will involve trade-offs.

Scenarios will include new national regulations and policy directives, and other potential actions.

Models will be used to predict/simulate current water quality state in the region's rivers as well as the effects of scenarios on water quality.

Economic analyses will be done in-house, within existing budgets, although some budget contingency will be available for external help if needed.

The following sets out the water quality attributes that freshwater quality objectives must be set for, the quality of existing information relating to the attributes and data needs and associated costs.

Table 3

Compulsory Value	Waterbody type	Attribute	Level of information	Addressing information gaps	Cost
Ecosystem health	Lakes	Phytoplankton mg/m ³ (trophic state) Total nitrogen mg/m ³ (trophic state) Total phosphorus mg/m ³ (trophic state) Ammonia mg/L (toxicity)	<p>a) loads and/or concentrations of relevant contaminants The council has good chl-a, TN, TP and NH₄-N concentration data for all monitored lakes (27 lakes).</p> <p>The council also has useful information to derive in-lake loads (residence times, lake volumes, etc).</p> <p>Catchment loads have been estimated but are somewhat unreliable due to issues with the OVERSEER component of CLUES, catchment boundaries, groundwater extent.</p> <p>b) sources of relevant contaminants Cawthron has predicted sources of N and P using a previous version of CLUES, however the model may not, in its current form, be suitable for small lake catchments.</p> <p>c) amount of each contaminant attributable to each source Cawthron attributed N and P loads to sources was tried using CLUES, however the model may not, in its current form, be suitable for small lake catchments.</p> <p>d) where limits have been set, proportion of the limit that is being used N/A – limits have not been set</p>	<p>a) loads and/or concentrations of relevant contaminants The council should use a model to predict catchment loading of nutrients. It also needs to determine quantitative relationships between catchment loads of TN and TP and in-lake loads and concentrations of TN, TP and phytoplankton. Regional LiDAR will assist with defining lake catchments.</p> <p>NIWA (Elliot et al, 2020) provided critical comment on existing information and modelling in relation to:</p> <ul style="list-style-type: none"> a) Suitability of existing modelling approaches for providing catchment loadings of nutrients and sediment, including considerations of uncertainty and ability to represent key catchment mitigation types. b) Suitability of existing lake classifications for establishing relationships between land use and lake condition (trophic status and associated ecosystem health), including specific NOF bands. c) Relationships between lake loadings, trophic status and associated ecosystem health, including the role of lake-system type. d) The relative importance of N, P and sediment in determining ecosystem health. e) Contribution of regional groundwater. f) Ability to represent key on-land and in-lake mitigation measures. g) Ability to represent attenuation processes. h) Suitability of spatial and temporal detail of models. i) Auckland Council's FWMT and potential linkages to dynamic lake models. <p>b) sources of relevant contaminants See above</p> <p>c) amount of each contaminant attributable to each source See above</p> <p>d) where limits have been set, proportion of the limit that is being used N/A – limits have not been set.</p>	To be determined.
	Rivers	Periphyton (trophic state), mg chl-a/m ² And associated numeric	<p>a) loads and/or concentrations of relevant contaminants Note that the council must also derive and set appropriate instream concentrations and exceedance criteria for dissolved inorganic nitrogen (DIN) and dissolved reactive phosphorus (DRP) for the purpose of ensuring periphyton objectives will be met.</p>	<p>a) loads and/or concentrations of relevant contaminants Council will need to derive and set instream concentration objectives/standards for DIN and DRP. Further research may be needed to derive robust site or river-specific standards for DIN and DRP. Or recent research may prove sufficient (see</p>	Research (including modelling) to determine quantitative relationships between DIN and DRP and periphyton biomass in hard bottom rivers has been completed but further research is needed.

Compulsory Value	Waterbody type	Attribute	Level of information	Addressing information gaps	Cost
		objectives/standards for dissolved inorganic nitrogen (DIN) and dissolved reactive phosphorus (DRP).	<p>Where there are nutrient sensitive downstream receiving environments, criteria for nitrogen and phosphorus will also need to be set to achieve the outcomes sought for those catchments.</p> <p>The council has reasonably good chlorophyll a concentration data for 39 sites (from approximately four years of monitoring).</p> <p>It has good nutrient concentration data for the same sites and other sites around Northland.</p> <p>The council has not calculated catchment nutrient loads.</p> <p>National water quality modelling also exists. https://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/spatial-modelling-of-river-water-quality-state.pdf</p> <p>b) sources of relevant contaminants Sources of N and P are known, albeit at a broad level (poor precision).</p> <p>c) amount of each contaminant attributable to each source The amounts of nutrients have yet to be attributed to sources.</p> <p>d) where limits have been set, proportion of the limit that is being used N/A – limits have not been set</p> <p>Other The council also needs to map river substrate characteristics to differentiate between hard and soft-bottom streams for the purposes of establishing numeric freshwater objectives for periphyton (and associated DIN and DRP exceedance criteria) and nitrate (toxicity), and deposited sediment. This will be done in-house.</p>	<p>https://www.nrc.govt.nz/resource-library-summary/research-and-reports/rivers-and-streams/periphyton-growth-in-northland-rivers/)</p> <p>That said, it could be argued that Northland does not have a periphyton 'problem'. In which case, the council could set nutrient standards based on current water quality.</p> <p>The council will use the Estuarine Trophic Index modelling tool to identify estuaries that may be sensitive to nutrients (i.e., susceptible to eutrophication).⁴ The ETI identifies only a small number of small estuaries in Northland that may be susceptible to eutrophication.</p> <p>b) sources of relevant contaminants The council will need to determine at the sub-catchment level sources of N and P.</p> <p>c) amount of each contaminant attributable to each source The council will need to determine loads of N and P from sources in sub-catchments of hard bottom rivers.</p> <p>d) where limits have been set, proportion of the limit that is being used N/A – limits have not been set</p>	Relationships between TN and TP loads and phytoplankton and macroalgal biomass in nutrient sensitive estuaries has been predicted by the ETI Tool. It is unlikely, at this stage, that additional work is needed.
	Rivers	Nitrate mg/L (toxicity) Soft bottom rivers only	<p>a) loads and/or concentrations of relevant contaminants The council has good nitrate concentration data for approximately 60 monitoring sites.</p> <p>Catchment nitrate loads have not been calculated.</p> <p>National water quality modelling also exists. https://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/spatial-modelling-of-river-water-quality-state.pdf</p>	<p>a) loads and/or concentrations of relevant contaminants The council need to model sub-catchment loads and instream concentrations of nitrate.</p> <p>b) sources of relevant contaminants The council needs to determine sub-catchment sources of nitrate.</p> <p>c) amount of each contaminant attributable to each source The council needs to determine the amounts of nitrate attributable to each source.</p>	Council commissioned NIWA and L&WS to undertake predictive current water quality state modelling and NIWA to develop a customised CLUES model for Northland. The work should address the information gaps and no further budget is likely needed at this stage.

⁴ <https://www.niwa.co.nz/freshwater-and-estuaries/research-projects/the-new-zealand-estuary-trophic-index>

Compulsory Value	Waterbody type	Attribute	Level of information	Addressing information gaps	Cost
			<p>b) sources of relevant contaminants Sources of nitrate are known, albeit at a broad level (no precision).</p> <p>c) amount of each contaminant attributable to each source The amounts of nitrate have not been attributed to sources</p> <p>d) where limits have been set, proportion of the limit that is being used N/A – limits have not yet been set</p>	<p>d) where limits have been set, proportion of the limit that is being used N/A – limits have not been set</p>	
	Rivers	Ammonia (toxicity), mg/L	As above (nitrate)	As above (nitrate)	Council commissioned NIWA and L&WS to undertake predictive current water quality state modelling and NIWA to develop a customised CLUES model for Northland. The work should address the information gaps and no further budget is needed at this stage.
	Rivers	Dissolved oxygen, mg/L	<p>a) loads and/or concentrations of relevant contaminants Dissolved oxygen concentrations are affected by several factors (biochemical oxygen demand, temperature, flows, periphyton and macrophyte biomass)</p> <p>The council has relatively poor data on dissolved oxygen concentrations in the region's rivers. The NPS-FM requires continuous monitoring data, which we have not historically collected. It may take more than two years to collect the necessary data (i.e., circa. 2021/2022).</p> <p>b) sources of relevant contaminants The council needs to understand current DO conditions first</p> <p>c) amount of each contaminant attributable to each source See above</p> <p>d) where limits have been set, proportion of the limit that is being used N/A – limits have yet to be set</p>	<p>a) loads and/or concentrations of relevant contaminants The Natural Resources Monitoring team are in the process of installing several continuous DO sensors in some rivers. The data should be adequate for establishing objectives for DO.</p> <p>b) sources of relevant contaminants The council needs to understand DO conditions in the region's rivers before it examines drivers.</p> <p>c) amount of each contaminant attributable to each source See above</p> <p>d) where limits have been set, proportion of the limit that is being used N/A – limits have yet to be set</p>	Covered by existing budgets (Natural Resources Science team).
	Rivers	Fine sediment (suspended and deposited) ⁵	<p>a) loads and/or concentrations of relevant contaminants The council currently monitors turbidity as part of its RWQMN programme. Some TSS data is also available, with TSS</p>	a) loads and/or concentrations of relevant contaminants	Council commissioned NIWA and L&WS to undertake predictive current water quality state modelling and NIWA to

⁵ The NPS-FM does not currently contain attributes for sediment. However, the Government has stated that it will likely include new attributes for sediment in Appendix 2 of the NPS-FM. The likely attributes for fine sediment will be turbidity and, potentially, percentage of deposited fine sediment cover in wadable rivers.

Compulsory Value	Waterbody type	Attribute	Level of information	Addressing information gaps	Cost
			<p>monitoring recently reinstated at all monitoring sites. There is limited deposited sediment cover data.</p> <p>The council can calculate, using the SedNet or WANSY models, sediment loads at the sub-catchment level. However, it is not sufficiently accurate to set freshwater objectives for sediment, as it has not been calibrated for Northland</p> <p>b) sources of relevant contaminants The council can determine sources of fine sediment using SedNet or WANSY models and the Physiographics data set.</p> <p>c) amount of each contaminant attributable to each source As above</p> <p>d) where limits have been set, proportion of the limit that is being used N/A – limit shave yet to be set</p>	<p>The council needs to calculate TSS sub-catchment loads and model TSS and turbidity. This could be done using existing datasets and models (TBC)</p> <p>b) sources of relevant contaminants No obvious information gaps.</p> <p>c) amount of each contaminant attributable to each source The council needs to model amounts of sediment at the sub-catchment level using a calibrated model.</p> <p>d) where limits have been set, proportion of the limit that is being used N/A – limits have yet to be set</p>	<p>develop a customised CLUES model for Northland. The work should address the information gaps relating to sediment delivery (sources and loads) and suspended sediment and no further budget is likely needed at this stage.</p>
Human health	Lakes and rivers	<i>E.coli</i> , <i>E.coli</i> /100 mL	<p>a) loads and/or concentrations of relevant contaminants The council has good nitrate concentration data for approximately 60 river reaches.</p> <p>The council can obtain modelled <i>E.coli</i> catchment loads using a version of CLUES that was calibrated using Northland data.</p> <p>National water quality modelling also exists. https://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/sptial-modelling-of-river-water-quality-state.pdf</p> <p>MfE Swimmability modelling.</p> <p>b) sources of relevant contaminants The council has a good understanding on sources of <i>E.coli</i> (due to faecal source tracking).</p> <p>c) amount of each contaminant attributable to each source TBD</p> <p>d) where limits have been set, proportion of the limit that is being used N/A – limits have yet to be set</p>	<p>a) loads and/or concentrations of relevant contaminants No obvious data gaps</p> <p>b) sources of relevant contaminants No obvious data gaps</p> <p>c) amount of each contaminant attributable to each source This is currently difficult to determine. Faecal source tracking suggested that the main source of <i>E.coli</i> in water are ruminants.</p> <p>d) where limits have been set, proportion of the limit that is being used N/A – limits have yet to be set</p>	<p>Council commissioned NIWA and L&WS to undertake predictive current water quality state modelling and NIWA to develop a customised CLUES model for Northland. The work should address the information gaps regarding <i>E.coli</i> in rivers and no further budget is likely needed at this stage.</p>
	Lakes and lake fed rivers	<i>Cyanobacteria</i> , mm ³ /L	<p>a) loads and/or concentrations of relevant contaminants Limited (approx. one year of) data on cyanobacteria concentrations but good data for nutrient concentrations.</p>	<p>a) loads and/or concentrations of relevant contaminants TBC</p>	<p>Costs and timeframes to be determined.</p>

Compulsory Value	Waterbody type	Attribute	Level of information	Addressing information gaps	Cost
			<p>b) sources of relevant contaminants See above with respect to nutrients</p> <p>c) amount of each contaminant attributable to each source See above with respect to nutrients</p> <p>d) where limits have been set, proportion of the limit that is being used N/A – limits have yet to be set</p>	<p>b) sources of relevant contaminants See above with respect to nutrients</p> <p>c) amount of each contaminant attributable to each source See above with respect to nutrients</p> <p>d) where limits have been set, proportion of the limit that is being used N/A – limits have yet to be set</p>	

4.1.1 Likely costs

Most of the work will be delivered within existing budgets. However, additional budget will need to be found for lake water quality modelling (of future state scenarios) and further research to determine nutrient concentration and exceedance criteria for managing periphyton and cyanobacteria biomass (in rivers).

4.1.2 Key deliverables

Date	Deliverable	Responsible person(s)
31 March 2020	NIWA current water quality state predictions.	Ben Tait
Early June 2020	L&WS current water quality state predictions	Jean-Charles Perquin
31 July 2020	Scenario modelling – likely impacts on water quality	Ben Tait
31 August 2020	Likely costs of scenarios	Darryl Jones Ben Tait

4.2 Developing the plan change

Section 32 of the RMA requires council to identify and evaluate different management options.

Setting freshwater quality objectives based on current state should be relatively straightforward. However, we will need to rely on modelling to establish robust objectives that seek improved attribute states.

Catchment water quality models are needed for assessing water quality mitigations or land use changes. Current water quality state needs to be defined before alternative scenarios are assessed.

Note that the costs associated with the Schedule 1 plan change process have will need to be budgeted for.

4.2.1 Key milestones

Date	Deliverable	Responsible person(s)
September 2020 – July 2021	Draft RMA section 32 report and plan content	Ben Tait Darryl Jones
Late 2021 ⁶	Notify plan change pursuant to Schedule 1 of the RMA.	Ben Lee

⁶ Note that it is increasingly likely that we will need to issue a draft plan change (end of 2021) and extend the notification date by a year (end of 2022) given the likely changes to the NPS. However, a decision cannot realistically be made until the new NPS and NES are issued.

4.3 Stakeholder and community consultation and engagement

The RMA requires local authorities to, during the preparation of a proposed plan, consult the following people if they may be affected by the plan:

- The Minister for the Environment
- Other Ministers of the Crown
- Local authorities
- The tangata whenua of the area.

The Act states that a local authority may consult anyone else during the preparation of the plan.

It is important to note that the NPS-FM directs the council to, among other things:

- Through discussions with communities, including tangata whenua: identify the values for each freshwater management unit; formulate freshwater objectives, and consider the relevant limits required to achieve the freshwater objectives (Policy CA2).
- Consider and recognise Te Mana o Te Wai⁷, noting that values identified through engagement and discussion with the community, including tangata whenua, must inform the setting of freshwater objectives and limits (Policy AA1).
- Take reasonable steps to:
 - involve iwi and hapu in the management of fresh water and freshwater ecosystems in the region
 - work with iwi and hapu to identify tangata whenua values and interests in fresh water and freshwater ecosystems in the region
 - reflect tangata whenua values and interests in the management of, and decision-making regarding, fresh water and freshwater ecosystems in the region (Policy D1).

⁷ The NPS-FM states: Te Mana o te Wai is an integral part of the framework that forms the platform for community discussions about the desired state of fresh water relative to the current state. Te Mana o te Wai is the integrated and holistic well-being of a freshwater body. Upholding Te Mana o te Wai acknowledges and protects the mauri of the water. This requires that in using water you must also provide for Te Hauora o te Taiao (the health of the environment), Te Hauora o te Wai (the health of the waterbody) and Te Hauora o te Tangata (the health of the people). Te Mana o te Wai incorporates the values of tangata whenua and the wider community in relation to each water body. The engagement promoted by Te Mana o te Wai will help the community, including tangata whenua, and regional councils develop tailored responses to freshwater management that work within their region.

For this project, the council will undertake targeted enhanced engagement with a stakeholder advisory group⁸ with key stakeholders⁹ and tangata whenua. Engagement will involve testing alternative management options and encouraging and assessing feedback with respect to water quality outcomes. Feedback from stakeholders and the community may require evaluating new or amended management scenarios, as plan development is often an iterative process.

Consultation with the wider public will then be undertaken through the formal plan change process.¹⁰ At this stage, the preference is to avoid releasing a draft plan prior to notification given the reasonably tight timeframe to implement the NPS-FM.

A proposed approach for engaging with key stakeholders and tangata whenua has been developed for feedback from Council and Te Taitokerau Maori and Council Working Party .

A proposed approach will be put to Council for endorsement in April (see below).

4.3.1 Key milestones

Date	Deliverable	Responsible person(s)
25 March 2020	Council Planning and Regulatory Working Party to sign-off on a proposed engagement plan	Ben Lee
TBD	MTAG to provide advice on engagement approach with Maori	Ben Lee
19 May 2020	Council endorsement of engagement plan and terms of reference for the stakeholder advisory group	Ben Lee
31 July 2020	Finalise membership of stakeholder advisory group	Ben Lee
August 2020 – July 2021	Community and stakeholder engagement	Ben Lee Auriele Ruka Cathy Erstich
October 2021 – December 2021 ¹¹	RMA Schedule 1 plan change notification and consultation process	Ben Lee

5. Reporting and decision-making

⁸ A process that involves, during the development of the plan, (a) involving those who might be particularly affected by a decision and those with high potential to influence a decision, and (b) give due consideration to the advice received through engagement.

⁹ Involving key environmental NGOs, industry and sector agencies, and government agencies.

¹⁰ Note that it is likely that Council will need to amend its PIP by delaying the scheduled plan change notification date by a year (2022) and providing for consultation on a draft plan change (2021).

¹¹ See footnotes above regarding the need for a draft plan change and extending the notification date until late 2022.

5.1 Internal Reporting

- Project Manager and Project Sponsor to meet monthly.
- Project Manager to provide the Water Steering Group updates at monthly meetings.
- Project Sponsor or Project Manager to give updates to Executive Leadership Team

5.2 External Reporting

The public will be kept updated on the project via information on the council's webpage and other communication initiatives. A communications and engagement plan will be developed.

5.3 Council reporting and decision-making

- Written progress provided to council in the monthly council work reports.
- Scheduled workshops as needed

5.4 Key decision points (over the next 12 months: February 2020 – January 2021)

Date	Decision	Responsible person(s)
25 March 2020	Planning and Regulatory Working Party to sign-off on community and stakeholder engagement approach, subject to MTAG recommendations	Ben Lee
6 April 2020	Water Steering Group to decide if council should commission modelling of lake catchment nutrient load-lake tropic state relationships.	Ben Lee
19 May 2020	Council to endorse an engagement plan and terms of reference for the stakeholder advisory group	Ben Lee
August 2020	Decide if NRC's Progressive Implementation Programme should be amended after considering the implications of a gazetted new NPS-FM and NES-FM.	Ben Lee

6. Risks

The following table sets out risks to successful delivery of the project.

Nature of risk	Potential impact on project	Risk	Risk mitigation	Residual risk
<i>Government policy direction and expectations</i>				
A new or amended NPS-FM or new NES-FM is issued by Government.	Timeframes not being met or needing to change.	High - very high	Staff to keep in close contact with MfE staff and keep Council updated on implications of changes	High
MfE losing confidence in NRC to implement the NPS as they would like it implemented	Reputation may suffer. Appointed commissioners (worst case scenario)	Medium-high	Staff to keep in close contact with MfE staff and carefully and our best to explain the basis for our approach Obtain adequate data and research.	Medium-low
Kaipara Harbour Treaty Settlement requirements	A co-governance issued plan may require new or different plan provisions for the Kaipara Harbour Catchment	Medium	Staff to keep in close contact with Government Treaty settlement staff and brief any co-governance entity on costs and benefits of plan provisions. Treat the Kaipara Harbour Catchment as a standalone FMU.	Medium
Change of government after November 2020 general election	New policy direction	Medium	Engagement with council Governance and MfE.	Medium
Government response to the recommendations of the Three Waters Review and inquiry into the Havelock North Drinking Water issue.	Changes to regional council functions and obligations as regards stormwater, potable water and wastewater.	Low (the primary focus of the plan change will be diffuse sources of contaminants)	None	Low
<i>Resourcing</i>				

Nature of risk	Potential impact on project	Risk	Risk mitigation	Residual risk
Insufficient data and research to inform council and communities and develop a robust plan change and RMA s32 report. (See previous section)	Timeframes not being met Inferior quality plan. Legal challenges. Reputation will suffer.	High-medium	Identify data gaps and secure appropriate research and modelling tools. Ensure sufficient resourcing supplied to address gaps.	Medium-low
Inadequate human resources within Science Team and Policy and Planning	Timeframes not being met Inferior quality plan. Legal challenges. Reputation will suffer.	High	Two policy and planning staff to be responsible for the plan change(s) Supply sufficient resourcing to address science gaps including scientist(s); and adequate consultancy budget (see below)	Medium
Insufficient consultancy budget to underpin and develop a robust plan change.	Timeframes not being met Inferior quality plan. Legal challenges. Reputation will suffer.	Medium	Ensure project costs are adequately forecasted and covered through annual planning.	Low
Extra time and resourcing needed due to unexpected issues arising during the project.	Timeframes not met and extra resources are required.	High	Sufficient internal resourcing and consultancy budget.	Medium
<i>Stakeholder engagement</i>				
Lack of or poor buy in from key stakeholders	Opposition to the contents of the plan	High	Involve key stakeholders from an early stage and use them to test policy ideas.	Medium-low

Nature of risk	Potential impact on project	Risk	Risk mitigation	Residual risk
	change could result in significant challenges which can increase time and costs.		Ensure that best available information is used.	
Inconsistent approach between draft/proposed plan change and Auckland Council's approach to implementing the NPS-FM.	May result in conflicting approaches to managing shared resources (e.g., Kaipara) and resource users.	Medium	Develop and maintain good relationships with key staff at Auckland Council.	Low
<i>Appeals on the Proposed Regional Plan</i>				
Appeals on the PRPN may include requests for freshwater quality objectives and limits or additional rules on diffuse source discharges	May influence the content of the plan change(s) and distract from plan change development	High	Environment Court mediation on appeals	Medium-low

Appendix A: Brief overview of NPS-FM requirements

The NPS-FM sets out objectives and policies that direct regional councils to manage water in an integrated and sustainable water, while providing for growth within set water quantity and quality limits.

The council is required to fully implement the NPS-FM as promptly as is reasonable by no later than 31 December 2025. However, a regional council may extend the date to 31 December 2030 if it considers that: (a) meeting that date would result in lower quality planning; or (b) it would be impracticable for it to complete implementation of a policy by that date.¹²

The Government's guide to the NPS-FM states: "Where policies of the NPS require regional councils to make or change regional policy statements of regional plans, these changes **must be fully operative** for [Policy E1 of the NPS] to be considered implemented."

The council intends to implement the NPS-FM by a programme of defined time-limited stages. The council's Progressive Implementation Programme (PIP) was revised and publicly notified in March 2018. The PIP is attached to this document (Appendix B)

The NPS-FM also directs regional councils to have monitoring plans¹³ and freshwater quality and quantity accounting systems. The requirements and council's response to them are briefly discussed in Appendix C (Progress on NPS-FM Implementation).

It is important to note that the Government announced that it intends to issue an amended NPS-FM and a National Environmental Standard for Freshwater Management.¹⁴ Consultation on both documents is scheduled for July-September 2019 and amended NPS-FM and Freshwater NES are to be in force by May 2020.

It is very likely that this project plan will need to be revised after the consultation documents are released. The Council will need to notify a revised PIP once the NPS-FM and NES are in force.

The main purpose of the NPS-FM is to set enforceable freshwater quantity and quality limits¹⁵ so that freshwater objectives can be achieved. Councils must include freshwater objectives and limits in regional plans as well as methods (including rules) to avoid over-allocation¹⁶.

¹² Policy E1, NPS-FM.

¹³ See the following guidance for further information:

<http://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/nps-fm-guide-to-monitoring.pdf>

¹⁴ <http://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/essential-freshwater.pdf>

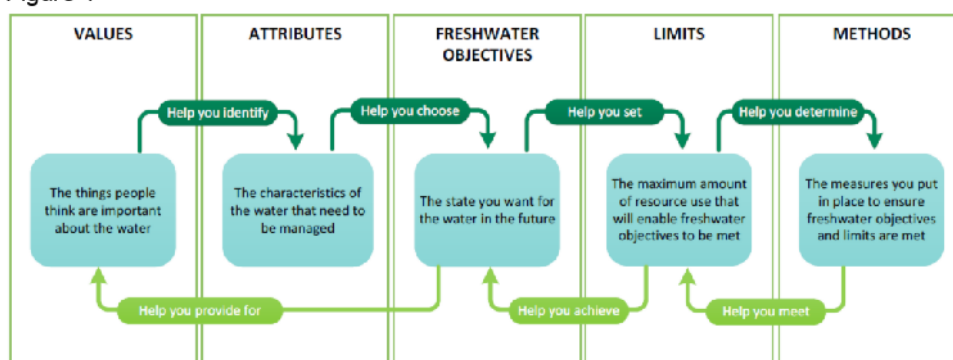
¹⁵ A "limit" is the maximum amount of resource use available, which allows a freshwater objective to be achieved. See the NPS-FM for the definition of a freshwater quantity limit (i.e., "environmental flows and/or levels." There is no tangible definition for a freshwater quality limit.

¹⁶ The situation where the resource: (a) has been allocated to users beyond a limit; or (b) is being used to a point where a freshwater objective is no longer being met. This applied to both water quantity and water quality.

Freshwater objectives must be set to safeguard “compulsory values” (ecosystem health and to human health for recreation) for all freshwater management units¹⁷ in the region. Freshwater objectives must also be formulated in numeric terms using the relevant attributes¹⁸ in Appendix 2 of the NPS-FM and any other attributes that the council considers appropriate for each value for the freshwater body type. The compulsory values and associated attributes in Appendix 2 of the NPS-FM are set out in table 2 (below) along with commentary on the level of information that the council has for each attribute.

As mentioned, the key purpose of the NPS-FM is “setting enforceable quality and quantity limits”¹⁹. Limits must be established that will achieve the freshwater objective. A limit is the maximum amount of resource use that is possible, which still meeting the freshwater objective over time. Methods (including rules) must be established in the plan. Methods are the actions that will need to be taken to constrain resource use to the specified limits. Figure 1 summarises the framework and where limits fit in.

Figure 1



Freshwater quality objectives must be set to maintain or improve the quality of water in each FMU. In the case of a regional council deciding, after discussions with the community (including iwi and hapu), to set a freshwater quality objective that provides for the maintenance of overall water quality (in accordance with Objective A2 of the NPS-FM), it is required to do so by ensuring that where an attribute is listed in Appendix 2 of the national policy statement, that the objective is set at least within the same attribute state as existing freshwater quality with an FMU.

¹⁷ A “freshwater management unit” is the water body, multiple water bodies or any part of a water body determined by the regional council as the appropriate scale for setting freshwater objectives and limits and for freshwater accounting and management purposes. See the following guidance for more information: http://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/guide-to-freshwater-management-units_0.pdf

¹⁸ See the following guidance for more information:

<http://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/a-draft-guide-to-attributes.pdf>

¹⁹ Preamble, NPS-FM.

Setting a freshwater quality objective that provides for the improvement of overall water quality (in terms of an attribute) will involve formulating an objective that seeks a 'better' attribute state.

The process of setting freshwater objectives and limits will be an iterative one. This is recognised through Policy CA2(f)(iii) which requires councils, when identifying freshwater objectives, to consider the limits that would be required to meet them. Final decisions on the limits (plus the methods to achieve them) will involve consideration of whether they are the most appropriate and efficient way to meet freshwater objectives.

However, it is important to note a limit, in the context of freshwater quality, is broadly defined and there has been much discussion about the nature of water quality limits, and only recently (March 2018) was draft guidance on limits issued by Ministry for the Environment²⁰. MfE officials have stated that an amended NPS-FM will contain direction that aligns with the draft guidance on limits.

There are major challenges associated with setting contaminant load or loss limits at property, sub-catchment and catchment scales, particularly for fine sediments, *E.coli* (an indicator of the presence of faecal pathogens in water), and phosphorus. Even setting contaminant load and loss limits for nitrogen is proving difficult.

The PCE recently concluded the councils should be careful about using Overseer in regulation. The Government has signalled that it intends to amend the NPS-FM to provide greater direction on how to set limits on resource use²¹.

²⁰ See http://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/draft-guide-to-limits_0.pdf

²¹ See <https://www.pce.parliament.nz/publications/overseer-and-regulatory-oversight-models-uncertainty-and-cleaning-up-our-waterways>

Appendix B: Progressive Implementation Programme

March 2018

Purpose

This document sets out Northland Regional Council's staged programme for implementing the National Policy Statement for Freshwater Management 2014 (NPS-FM), pursuant to Policy E1 of the policy statement. It supersedes the council's previous implementation programmes, which were publicly notified in 2012 and 2015.

Policy E1 states that if it is impractical for a regional council to fully implement the NPS-FM by 31 December 2015 then it may implement it by a programme of defined time-limited stages by which it is to be fully implemented by 31 December 2025 or 31 December 2030 (if certain circumstances apply). It also states that any programme adopted under the 2011 and 2014 versions of the NPS-FM must be reviewed, revised if necessary, and formally adopted by the regional council by 31 December 2018, and publicly notified.

The council reviewed its previous 2015 implementation programme and remains of the view that it is unlikely to be able to fully implement the NPS-FM before 31 December 2025, and therefore has adopted a revised programme which is presented in the table below.

Progress to date (to December 2017)

- 2013: Decisions on the Proposed Regional Policy Statement for Northland released (includes direction on freshwater management and NPS-FM implementation).
- 2013-2014: Five collaborative catchment groups established and tasked with recommending fresh and coastal water management measures to council (and additional monitoring sites added for each catchment).
- 2014: Review of operative regional plans completed (identified gaps in NPS-FM delivery).
- 2016: Regional Policy Statement made operative (in part).
- 2016: Draft regional plan released for public feedback.
- 2016: Draft catchment plans for Waitangi, Doubtless Bay, Mangere, Whangārei Harbour and Poutō catchments released for public feedback.
- 2017: Five catchment plans Waitangi, Doubtless Bay, Mangere, Whangārei Harbour and Poutō catchments adopted by council.
- 2017: Proposed Regional Plan publicly notified (includes regulatory elements of Waitangi, Doubtless Bay, Mangere, Whangārei Harbour and Poutō catchment plans - see below for more detail).

Progressive NPS-FM implementation programme 2018

	Regional planning initiatives Note: Objective and Policy references relate to the NPS-FM as amended 2017	Site specific / Catchment-specific²² initiatives	Other non-regulatory initiatives (note: subject to 2018-28 LTP decisions)
2017	<p>Proposed Regional Plan notified under Schedule 1 of the Resource Management Act. The Proposed Regional Plan (as notified) includes the following NPS-FM requirements:</p> <p>Freshwater quantity</p> <ul style="list-style-type: none"> Freshwater quantity management units (FMU) for rivers, lakes and aquifers (refer Policy CA1). Freshwater quantity objectives (refer Policy B1). Freshwater quantity limits (minimum flows and allocation) for each water quantity FMU, except for minimum levels for aquifers and allocation limits for lakes (refer Policy B1). Policy and rules to improve and maximise the efficient allocation and efficient use of water (refer Policies B2, B3 and B4). Policy and rules to avoid over-allocation (refer Policy B5). <p>Freshwater quality</p> <ul style="list-style-type: none"> Transitional Policy A4 of the NPS-FM. Water quality standards for nitrate and ammonia toxicity in rivers. Freshwater quality management units for lakes. Water quality standards for lakes (phytoplankton, total nitrogen, total phosphorus and ammonia toxicity). Policy to maintain overall water quality. Provisions to manage discharges to land and water, including rules requiring the adoption of the best practicable option to manage discharges of contaminants (refer Policy A3). 	<ul style="list-style-type: none"> Catchment plans for Waitangi, Doubtless Bay, Mangere, Whangārei Harbour and Poutō catchment adopted by Council Ongoing surveillance monitoring of <i>E.coli</i> at primary contact sites (in accordance with Appendix 5 NPS-FM) 	<ul style="list-style-type: none"> Implementation of non-regulatory elements of Waitangi, Doubtless Bay, Mangere, Whangārei Harbour and Poutō catchment plans. Assistance, advice and funding for water quality improvement through Councils Environment Fund

²² See Waioira Northland Water for more detail and function of these groups: www.nrc.govt.nz/waioira

	Regional planning initiatives Note: Objective and Policy references relate to the NPS-FM as amended 2017	Site specific / Catchment-specific²² initiatives	Other non-regulatory initiatives (note: subject to 2018-28 LTP decisions)
	<ul style="list-style-type: none"> Provisions to manage the disturbance to the beds of lakes, rivers and certain uses of land. Livestock exclusion rules. <p>Other</p> <ul style="list-style-type: none"> Regulatory provisions of the Waitangi, Doubtless Bay, Mangere, Whangārei Harbour and Poutō catchment plans. Provisions to protect the significant values of wetlands and identified outstanding freshwater bodies (refer Objective A2a) and b) and Objective A4) Provisions for management of sites of significance to tangata whenua (in waterbodies) 		
2018	<ul style="list-style-type: none"> Publicise draft and finalised regional targets for improving water quality for swimming (refer Policy A6). Update and implement the council's monitoring plan (refer Policies CB1, CB2, CB3 and CB4) and freshwater quality and quantity accounting systems (refer Policies CC1 and CC2) to address the 2017 amendments to the NPS-FM Develop measures to give effect to the requirements for incorporation of matauranga Maori, health of indigenous flora/fauna and macroinvertebrates into monitoring plans. 	<ul style="list-style-type: none"> Assess the need for/establish further collaborative catchment planning processes and establish groups if required. Ongoing surveillance monitoring of <i>E.coli</i> at primary contact sites (in accordance with Appendix 5 NPS-FM) 	<ul style="list-style-type: none"> Refine and implement targeted soil conservation programme. Freshwater Improvement Fund projects for dune Lakes and Northern Wairoa River commenced, with the focus being on water quality improvement. Assistance, advice and funding for water quality improvement through Councils Environment Fund
Circa 2021	<p>Freshwater quality</p> <p>Notify a change to the regional plan to:</p> <ul style="list-style-type: none"> Identify freshwater quality management units for rivers (refer Policy CA1). Include numeric freshwater quality objectives for rivers using the water quality attributes in Appendix 2 of the NPS-FM (refer Policy A1) 	<ul style="list-style-type: none"> Additional catchment plans adopted (as needed) Refine/adjust existing catchment plans (if needed). 	<ul style="list-style-type: none"> Ongoing implementation of targeted soil conservation programme. Freshwater Improvement Fund projects.

	Regional planning initiatives Note: Objective and Policy references relate to the NPS-FM as amended 2017	Site specific / Catchment-specific²² initiatives	Other non-regulatory initiatives (note: subject to 2018-28 LTP decisions)
	<ul style="list-style-type: none"> • Include in-stream concentration standards and exceedance criteria for dissolved inorganic nitrogen and dissolved reactive phosphorus in rivers for the purposes of achieving numeric freshwater quality objectives for periphyton (refer Appendix 2). • Include relevant nitrogen and phosphorus criteria (instream concentrations or loads) for sensitive estuaries (refer Appendix 2). • Include relevant freshwater quality limits (refer Policy A1). • Include methods to avoid over-allocation (refer Policy A1). • Potentially, include targets and methods to improve water quality to achieve freshwater quality objectives (refer Policy A2). • Include rules requiring the adoption of the best practicable option to manage discharges of contaminants (refer Policy A3). • Identify specified rivers and lakes and primary contact sites and associated targets/measures to improve water quality for swimming (refer Policy A5). <p>Other</p> <ul style="list-style-type: none"> • Identify / manage priority freshwater biodiversity sites. • Any issues with/gaps in the regional plan. • Any additional catchment-specific regulatory methods. • Other requirements as a result of further changes to the NPS-FM. <p>Note: the timing of this plan change may depend on the availability of practical methods and tools for water quality management.</p>	<ul style="list-style-type: none"> • Ongoing surveillance monitoring of E.coli at primary contact sites (in accordance with Appendix 5 NPS-FM) 	<ul style="list-style-type: none"> • Progressive implementation of operational measures to improve swimming water quality. • Assistance, advice and funding for water quality improvement through Councils Environment Fund
2025	<ul style="list-style-type: none"> • Regulatory implementation complete 	<ul style="list-style-type: none"> • Finalise and implement any further catchment plans commenced in 2021. • Ongoing surveillance monitoring of E.coli at primary contact sites (in 	<ul style="list-style-type: none"> • Implementation of operational measures to improve swimming water quality • Ongoing implementation of non-regulatory measures. • Assistance, advice and funding for water quality

	Regional planning initiatives Note: Objective and Policy references relate to the NPS-FM as amended 2017	Site specific / Catchment-specific²² initiatives	Other non-regulatory initiatives (note: subject to 2018-28 LTP decisions)
		accordance with Appendix 5 NPS-FM)	improvement through Councils Environment Fund

Working with the community

Council has involved tangata whenua, stakeholders and interested parties in implementation of the NPS-FM to date. This has occurred through representation of various interests on collaborative catchment planning groups and participation in the regional plan development process by industry / stakeholder liaison groups and the Te Taitokerau Maori and Council Working Party. Opportunity for wider community / landowner participation has also been provided through the release of draft catchment plans and a draft regional plan for feedback in 2016 and a proposed regional plan in 2017. Council anticipates these forms of participation (and potentially others such as Mana Whakahono a Rohe agreements) will continue to inform ongoing implementation of the NPS-FM.

Appendix C: Progress on NPS-FM Implementation

Note: See NPS-FM for definitions of terms.

Provision	Brief overview	Implemented (yes, no, in-part)	Key interdependencies	Other
<i>Water quality</i>				
Policy AA1	Requires regional councils (RCs) to consider and recognise Te Mana o te Wai in the management of fresh water.	In-part – the term was used in the 2014 version of the NPS-FM but was not fully articulated.	All fresh water planning requirements	Policy AA1 was introduced into the NPS-FM in August 2017
Policy A1	Requires RCs to include freshwater (quality) objectives and limits for all freshwater management units in their regions, and include methods (including rules) to avoid over-allocation.	No	Freshwater objectives must be established in accordance with Policies CA1-CA4.	
Policy A2	Requires RCs to include targets and implement methods (regulatory or non-regulatory) in regional plans to meet tar	No – the council has not implemented Policy A1	Policy A2 requires RCs to consider the sources of contaminants recorded under Policy CC1.	
Policy A3	Requires RCs to (a) impose conditions on discharge permits to ensure limits/targets can be met, and (b) making rules requiring the adoption of the best practicable option for discharges.	In-part – the Proposed Regional Plan for Northland contain a policy that requires the best practicable option to prevent or minimise adverse effects of industrial or trade wastewater discharges.	Limits and targets set in plans pursuant to Policies A1 and A2, respectively.	

Provision	Brief overview	Implemented (yes, no, in-part)	Key interdependencies	Other
Policy A4	Requires regional councils to amend regional plans (without using the process in Schedule 1 of the Act) to include a transitional policy that will apply until changes under Schedule 1 to give effect to Policies A1 and A2 have become operative.	Yes – the Proposed Regional Plan contains the transitional policy.		
Policy A5	Requires regional councils to make or change regional plans to ensure the plans: (a) identify specified rivers and lakes and primary contact sites, (b) state what improvements will be made to the sites so that they will be more suitable for contain recreation.	No	Improvements to specified rivers and lakes must make a contribution to achieving regional targets established under Policy A6(b).	
Policy A6	Requires RCs to develop regional targets to improve the quality of fresh water in specified rivers and lakes and contribute to achieving the national target in Appendix 6.	Yes – the Council adopted the targets and made them publicly available in December 2018.		
Policy A7	Requires RCs to consider, when giving effect to the NPS-FM, how to enable communities to provide for their economic well-being while managing within limits.	No – the Council has not implemented Policies A1 and A2.	Policies A1, A2 and CA2.	
<i>Water quantity</i>				

Provision	Brief overview	Implemented (yes, no, in-part)	Key interdependencies	Other
Policy B1	Requires RCs to include freshwater (quantity) objectives and limits for all freshwater management units in their regions,	Yes – the Proposed Regional Plan for Northland contains freshwater quantity objectives and freshwater quantity limits (i.e., environmental flows and levels).	Freshwater objectives must be established in accordance with Policies CA1-CA4.	
Policy B2	Requires RCs to make or change regional plans to provide for the efficient allocation of fresh water to activities, within the limits set to give effect to Policy B1.	Yes – the Proposed Regional Plan contains provisions that provide for the efficient allocation of fresh water.	Policy B1	
Policy B3	Requires RCs to make or change regional plans so that they have criteria by which applications for approval of transfers of water permits are to be decided.	Yes – the Proposed Regional Plan contains criteria.		
Policy B4	Requires RCs to include methods in regional plans to encourage the efficient use of water.	Yes – the Proposed Regional Plan contains rules and policies that encourage/require the efficient use of water.		
Policy B5	Requires RCs to ensure that no decision will likely result in future over-allocation.	Yes – the Proposed Regional Plan contains rules and policy that ensures that such decisions will not be made.		
Policy B6	Requires RCs to set a timetable and methods in regional plans by which over-allocation must be phased out.	N/A. under the Proposed Regional Plan over-allocation does not exist in Northland.		

Provision	Brief overview	Implemented (yes, no, in-part)	Key interdependencies	Other
Policy B7	Requires RCs to amend regional plans (without using the process in Schedule 1 of the Act) to include a transitional policy that will apply until changes under Schedule 1 to give effect to Policies B1, B2 and B6 have become operative.	Yes – the policy has been included in the IHP version of the Proposed Regional Plan.		
Policy B8	Requires RCs to consider, when giving effect to the NPS-FM, how to enable communities to provide for their economic well-being while managing within limits.	Yes – while the policy was not in the 2014 version of the NPS-FM, which was in effect while the Proposed Regional Plan was drafted, the council considered the economic benefits and costs of the proposed limits pursuant to RMA s32.		
<i>Integrated management</i>				
Policy C1	Requires RCs to recognise interactions between land and water and associated ecosystems and manage fresh water and land use and development in an integrated way.	In part – for the purposes of giving effect to the freshwater quantity management policies in the NPS-FM.		
Policy C2	Requires RCs to make or change regional policy statements to the extent needed to provide for the integrated management of the effects of the use and development of land on water.	Yes – the Regional Policy Statement for Northland contains such provisions.		
<i>National Objectives Framework</i>				

Provision	Brief overview	Implemented (yes, no, in-part)	Key interdependencies	Other
Policy CA1	Requires RCs to identify freshwater management units that include all freshwater bodies within their regions.	In part – the Proposed Regional Plan defines freshwater quantity management units for rivers, lakes, and aquifers. The Plan does not define freshwater quality management units.		
Policy CA2	Requires RCs to following a specified process for developing freshwater objectives for all FMUs.	In part – the 2014 version of Policy CA2 was given effect to when developing freshwater quantity objectives for inclusion in the Proposed Regional Plan.		
Policy CA3	Requires RCs to ensure that freshwater objectives of the compulsory national values are set at or above the national bottom lines for all FMUs, unless certain circumstances apply.	No – the policy is specific to freshwater quality objectives (i.e., it was not relevant to setting of freshwater quantity objectives).		
Policy CA4	Allows a RC to set a freshwater objective below a national bottom line on a transitional basis for a FMU and for the periods of time specified in Appendix 4 (note that the appendix is currently empty).	No – the policy is not relevant to the setting of freshwater quantity objectives.		
<i>Monitoring plans</i>				
Policy CB1	Requires RCs to develop monitoring plans that cover a range of methods for monitoring progress towards, and the achievement of, freshwater objectives	In part – the council has monitoring programmes that address the majority of methods listed in Policy CB1, however the council needs to consider how to	Policies CA1-CA4 and Policy CC1	

Provision	Brief overview	Implemented (yes, no, in-part)	Key interdependencies	Other
	established under Policies CA1-CA4, and for monitoring the extent to which the values identified under Policy CA2(b) are being provided for in each FMU.	<p>incorporate mātauranga Māori and whether the monitoring methods are representative of each FMU (which are yet to be determined for freshwater quality management).</p> <p>In addition, the council needs to determine how best to monitoring progress towards the achievement of freshwater quantity objectives relating to aquatic ecosystem health.</p>		
Policy CB2	Requires RCs to establish methods, for example, action plans, for responding to monitoring that indicates freshwater objectives will not be met and/or values will not be provided for in a FMU.	No – it would be premature to establish such methods because the freshwater quantity objectives in the Proposed Regional Plan are not operative and the council has not proposed any freshwater quality objectives.		
Policy CB3	Requires RCs to monitor macroinvertebrates using the MCI and establish methods for responding to a MCI score below 80 or a declining trend. Methods must include research and actions to halt declining and improve MCI scores.	In part – while the council hasn't set freshwater quality objectives it monitors macroinvertebrates using the MCI method and does research to investigate drivers of MCI. It is important to note that the MCI is a holistic, integrating variable and it is often very difficult to pin-point individual drivers. Also, the council only monitors the MCI	Policy CB2	

Provision	Brief overview	Implemented (yes, no, in-part)	Key interdependencies	Other
		score at each site once per year. This means that it is difficult to establish trends.		
Policy CB4	Requires RCs to take responsible steps to ensure that information gathered in accordance with Policy CB1 is available to the public regularly and in a suitable form.	In part – the council provides monitoring data and research to the public. However, we currently do not report on mātauranga Māori as it applies to fresh and coastal water.	Policy CB1	
<i>Accounting for freshwater takes and contaminants</i>				
Policy CC1	Requires RCs to establish and operate a freshwater quality accounting system and a freshwater quantity accounting system for freshwater management units. The accounting systems must be maintained at levels of detail that are commensurate with the significance of the freshwater quality and quantity issues, respectively, in each FMU.	<p>In part – the council has a freshwater quantity accounting system (https://www.nrc.govt.nz/your-council/about-us/council-projects/new-regional-plan/indicative-water-quantity-allocation-maps/)</p> <p>The council has various monitoring programmes and research that can contribute to a freshwater quality accounting system, however there are gaps and uncertainties. Also, the council has not 'formalised' a freshwater quality accounting system. And it has yet to be reported on.</p>	Policies A1, B1, and CA1-CA4	
Policy CC2	Requires RCs to take reasonable steps to ensure that information gathered	In part:	Policies A1, B1, and CA1-CA4.	

Provision	Brief overview	Implemented (yes, no, in-part)	Key interdependencies	Other
	through the freshwater accounting systems is available to the public, regularly and in a suitable form, for the FMUs.	<ul style="list-style-type: none"> the council is fulfilling this obligation for water quality accounting the council make research and monitoring data available to the public in a suitable form. Although, it is not a 'formal' water quality accounting system. 		
<i>Tangata whenua roles and interests</i>				
Policy D1	<p>Requires each RC to take reasonable steps to:</p> <ul style="list-style-type: none"> a) Involve iwi and hapu in the management of fresh water and freshwater ecosystems in the region, b) Work with iwi and hapu to identify tangata whenua values and interests in fresh water and freshwater ecosystems, and c) Reflect tangata whenua values and interests in the management of, and decision-making regarding, fresh water and freshwater ecosystems in the region. 	In part – the council has taken reasonable steps to fulfil the obligations under Policy D1 with respect to developing freshwater quantity management provisions in the Proposed Regional Plan and also used Maori RMA experts in the development of the plan and during the hearing of submissions by the Independent Hearing Panel.		
<i>Progressive implementation programme</i>				

Provision	Brief overview	Implemented (yes, no, in-part)	Key interdependencies	Other
Policy E1	Requires a regional council to develop and publicly notify a progressive implementation programme (PIP) if it is not able to fully implement all of the policies in the NPS-FM by 31 December 2015.	Yes – Note that council needs to fully implement the NPS-FM by 31 December 2025, or 31 December 2030 if certain circumstances apply.		The council will need to review and potentially revise the PIP after the Essential Freshwater reforms are announced in July/August

Proposed approach for engaging with communities, including tangata whenua, and key stakeholders in developing a 2021 plan change

18 March 2020

Background

Council resolved to engage with communities, including iwi and hapū, and key stakeholders throughout the process of developing a plan change to implement the water quality planning requirements of the NPS-FM 2017.^{7,8} Notification of the plan change is scheduled to happen in 2021.

The plan change will contain:

- Identified water quality dependent values/uses for each FMU;
- Freshwater quality objectives and associated limits; and
- Methods to achieve objectives and ensure limits are adhered to.

The initial stages of council's work programme to prepare the plan change is largely on track. Modelling of the likely effects of water quality mitigation measures on the state of water quality in Northland's rivers and estuaries is scheduled to happen in July 2020, although the modelling is, to a large part, contingent on the content (and timing) of a new NPS-FM, National Environmental Standards for Freshwater Management, and Stock Exclusion Regulations.

The next key milestones (2020) are:

- Council agreeing to an engagement plan (19 May 2020);
- Iwi and hapū and key stakeholder engagement (August 2020 – July 2021); and
- Drafting the plan change and RMA s32 evaluation report (September 2020 – July 2021).

Proposed engagement approach

It is recommended that the proposed engagement should happen in two ways:

1. Targeted engagement with iwi and hapū and key stakeholders (August 2020 – July 2021); and
2. Broader engagement with communities and other stakeholders through consultation on the proposed plan change (late 2021).

⁷ Namely, policies A1, A2, A3(a) and A5 and other relevant associated policies, e.g., AA1, CA1 and CA2.

⁸ The NPS-FM 2017 requires councils to engage with communities and tangata whenua when establishing freshwater objectives. It is important to note that the proposed new National Policy Statement for Freshwater Management (MfE, 2019) will, if enacted, place significant new engagement requirements on regional councils.

Advice will be sought from Te Taitokerau Māori and Council Working Party on how best to engage with iwi and hapū through the development of this plan change prior to confirming councils approach.

Engagement with key stakeholders should happen through a multi stakeholder advisory group, which may include councillor(s) and tangata whenua representatives.

The targeted engagement⁹ with tangata whenua and the stakeholder advisory can be broadly grouped under the following themes, with the likely number of required meetings/workshops to be determined:

1. The plan change project (purpose, timeframes, how Council will consider input on the drafting of the plan, etc);
2. Overview of current water quality state and identified water quality related uses and values;
3. Overview of the existing and potential new water quality mitigation measures, and their likely impact on freshwater and estuarine water quality; and
4. Identifying and assessing the consequences of any additional scenarios.

Targeted engagement

In July 2019, Te Taitokerau Māori and Council Working Party agreed that council staff should work with Māori Technical Advisory Group (MTAG) “to develop recommendations on how to identify tangata whenua values and interests in wai Māori, how to reflect tangata whenua values in decision-making regarding the plan change, and to seek the MTAG’s feedback on the draft freshwater quality management units.”

While implicit in the resolution of the MTAG, it is proposed that we ask for its advice on how to engage iwi and hapū in developing the plan change. One option is to just use MTAG as a sounding board and for advice. The other options are to engage with TTMAC or more broadly.

The purpose of a ‘stakeholder advisory group’ will be to provide advice on planning options (i.e., act as a sounding board) for managing fresh and receiving coastal water quality in Northland. Terms of reference will be drafted and put to the Water Steering Group for endorsement prior to requesting membership invitations.

Following Council endorsement of forming a stakeholder advisory group, council should invite key environmental NGOs, industry and sector groups, and government agencies to join the group, i.e., organisations that represent the main interests in a water quality plan change. Council should also consider appointing one or more elected members to the group as observers.

Broader engagement

⁹ A process that involves, during the development of the plan, (a) involving those who might be particularly affected by a decision and those with high potential to influence a decision, and (b) give due consideration to the advice received through engagement.

It is proposed that broader engagement with the community and other stakeholders happens through consultation on the proposed plan change. It is expected, however, that the views of the key stakeholders and iwi and hapū will largely represent the range of views in the community.

TITLE: Climate Change Related Provisions within Regional Planning Documents

ID: A1296893

From: Michael Day, Natural Resources Policy Manager

Executive Summary | Whakarāpopototanga

Under the Resource Management Act 1991, local government is required to consider the effects of a changing climate on communities. Additionally, a climate change perspective is now integrated into many of the activities that the regional council undertakes (such as the production of coastal hazard mapping and the development of flood management schemes).

This document outlines the provisions in the Regional Policy Statement for Northland (RPS) and the Proposed Regional Plan for Northland (PRP) that are directly focused on/explicitly mention 'Climate Change'.

It is acknowledged that there are multiple provisions (policies, methods and rules) in both the RPS and PRP that 'indirectly' relate to climate change (such as the entire natural hazards section of the RPS, the taking and use of water section of the PRP and all the natural hazard policies in the PRP). Most of these provisions have not been included in this document as the intention is to keep this paper focused on the provisions directly mentioning climate change.

Recommended Actions

1. That the Planning and Regulatory Working Party receive the paper and provide verbal feedback.

Background | Tuhinga

RPS for Northland Climate Change provisions

Issue 2.7 – Natural Hazards

Natural hazards, particularly flooding and coastal erosion and inundation, have the potential to create significant risk to human life, property, community and economic wellbeing in Northland. This risk is projected to increase as a result of a changing climate.

Objective 3.13 – Natural hazard risk

The risks and impacts of natural hazard events (including the influence of climate change) on people, communities, property, natural systems, infrastructure and our regional economy are minimised by:

- (a) Increasing our understanding of natural hazards, including the potential influence of climate change on natural hazard events;
- (b) Becoming better prepared for the consequences of natural hazard events;
- (c) Avoiding inappropriate new development in 10 and 100 year flood hazard areas and coastal hazard areas;
- (d) Not compromising the effectiveness of existing defences (natural and man-made);
- (e) Enabling appropriate hazard mitigation measures to be created to protect existing vulnerable development; and
- (f) Promoting long-term strategies that reduce the risk of natural hazards impacting on people and communities.

- (g) Recognising that in justified circumstances, critical infrastructure may have to be located in natural hazard-prone areas.

Policy 6.1.2 – Precautionary approach

Adopt a precautionary approach towards the effects of climate change and introducing genetically modified organisms to the environment where they are scientifically uncertain, unknown, or little understood, but potentially significantly adverse.

Policy 7.1.4 – Existing development in known hazard prone areas

In 10-year and 100-year flood hazard areas and coastal hazard areas, mitigation measures to reduce natural hazard risk to existing development will be encouraged. These may include one or more of the following:

- (a) Designing for relocatable or recoverable structures (when changing existing buildings);
- (b) Providing for low or no risk activities within hazard-prone areas;
- (c) Providing for setbacks (from rivers / streams or the coastal marine area);
- (d) Managed retreat by relocation, removal, or abandonment of structures;
- (e) Replacing or modifying existing development without resorting to hard protection structures (see Policy 7.2.2); or
- (f) Protecting, restoring or enhancing natural defences against natural hazards (see Policy 7.2.1).

Policy 7.1.6 – Climate change and development

When managing subdivision, use and development in Northland, climate change effects will be included in all estimates of natural hazard risk, taking into account the scale and type of the proposed development and using the latest national guidance and best available information on the likely effects of climate change on the region or district.

Method 7.1.7 (7)

The regional and district councils, when setting out objectives, policies, and methods in regional and district plans, and when assessing resource consent applications, will take into account the latest national guidance and the best available information on the effects of climate change on natural hazards for sea-level rise, drought and storm rainfall intensity.

Method 7.1.8 (1)

The regional council, when undertaking its functions under section 30 of the Resource Management Act 1991, will co-ordinate the gathering and collating of research at a regional scale on flooding and coastal hazards (including tsunamis) and the effects of climate change on these hazards.

Method 7.1.9 (2)

The regional and district councils shall raise public awareness of natural hazards, including providing and publicising information on which natural hazards may occur in various locations (including the potential influence of climate change on these hazards) and what people can do to be prepared for hazard events.

PRP for Northland climate change provisions

Objective F.1.9 – Natural hazard risk

The risks and impacts of natural hazard events (including the influence of climate change) on people, communities, property, natural systems, infrastructure and the regional economy are minimised by:

- 1) increasing the understanding of natural hazards, including the potential influence of climate change on natural hazard events, and

- 2) becoming better prepared for the consequences of natural hazard events, and
- 3) avoiding inappropriate new development in 100-year flood hazard areas and coastal hazard areas, and
- 4) not compromising the effectiveness of existing natural and man-made defences against natural hazards, and
- 5) enabling appropriate hazard mitigation measures to be implemented to protect existing vulnerable development, and
- 6) promoting long-term strategies that reduce the risk of natural hazards impacting on people and communities, and
- 7) recognising that in justified circumstances, critical infrastructure may have to be located in natural hazard-prone areas.

Policy D.2.3 – Climate change and development

Particular regard must be had to the potential effects of climate change on a proposed development requiring consent under this Plan, taking into account the scale, type and design-life of the development proposed and with reference to the latest national guidance and best available climate change projections.

Policy D.6.1 – Appropriateness of hard protection structures

New **hard protection structures** may be considered appropriate when:

- 1) alternative responses to the hazard (including soft protection measures, restoration or enhancement of natural defences against coastal hazards and abandonment of assets) are demonstrated to be impractical or have greater adverse effects on the environment, or
- 2) they are the only practical means to protect:
 - a) existing or planned **regionally significant infrastructure**, or
 - b) existing **core local infrastructure**, or
 - c) concentrations of existing vulnerable development, and
 - d) they provide a better outcome for the local community, district or region, compared to no **hard protection structure**, and the works form part of a long-term hazard management strategy, which represents the best practicable option for the future.

Policy D.6.2 – Design and location of hard protection structures

New **hard protection structures** must:

- 1) be located as far landward as possible in order to retain existing natural defences against coastal hazards as much as possible, and
- 2) be designed and constructed by a **suitably qualified and experienced professional**, and
- 3) incorporate the use of soft protection measures where practical, and
- 4) be designed to take into account the nature of the coastal hazard risk and how it might change over at least a 100-year time-frame, including the projected effects of a sea level rise of one metre by 2115 (100 years).

Policy D.6.3 – Re-building of materially damaged or destroyed buildings in high risk hazard areas

Resource consent may only be granted for the re-building of **materially damaged** or destroyed buildings in **high-risk flood hazard areas** and **high-risk coastal hazard areas** if the natural hazard risk to the building is demonstrated to be reduced (compared with the risk to the building previously) and hazard risk to **other property** is not increased.

Rule C.8.6.1 - Re-building of materially damaged or destroyed buildings – restricted discretionary activity

The re-building of a habitable building in a [high-risk coastal hazard area](#) or [high-risk flood hazard area](#) that has been [materially damaged](#) or destroyed by flooding, erosion or land instability caused by a natural hazard event is a restricted discretionary activity, provided the application for the resource consent includes a natural hazard assessment from a suitably qualified professional.

Matters of discretion:

- 1) The location and design of the building to withstand natural hazard risk, taking into account the nature of the hazard risk and how it might change over a 100-year timeframe, including the expected effects of climate change.
- 2) Measures to avoid exacerbating the existing natural hazard risk as a result of the proposed re-building.
- 3) Measures to avoid increasing natural hazard risks on [other property](#).

For the avoidance of doubt this rule covers the following RMA activities:

- Re-building of [materially damaged](#) or destroyed buildings (s9(2)).

Rule C.8.6.2 - Re-building of materially damaged or destroyed buildings – non complying activity

The re-building of a habitable building in a [high-risk coastal hazard area](#) or [high-risk flood hazard area](#) that has been [materially damaged](#) or destroyed by flooding, erosion or land instability caused by a natural hazard event, that is not a restricted discretionary activity under Rule [C.8.6.1](#) [C.8.6.1 Re-building of C.8.6.1 Re-building of C.8.6.1 Re-building of](#) is a non-complying activity.

For the avoidance of doubt this rule covers the following RMA activities:

- Re-building of [materially damaged](#) or destroyed buildings (s9(2)).

Authorised by Group Manager

Name: Jonathan Gibbard
Title: Group Manager - Strategy, Governance and Engagement
Date: 19 March 2020



NRC forestry monitoring programmes

1. Consented forestry activities

There are currently 37 resource consents for forest-related activities in Northland. These are generally all scheduled for a minimum of one annual site visit. Further site visits may be made depending on location, scale of works, environmental risks etc. All significant non-compliances are followed-up. Routine monitoring visits are reported in the statistics for land use consents.

Compliance outcomes for consent monitoring for the period 1 July 2019 to 29 February 2020 are shown in Figure 1 below.

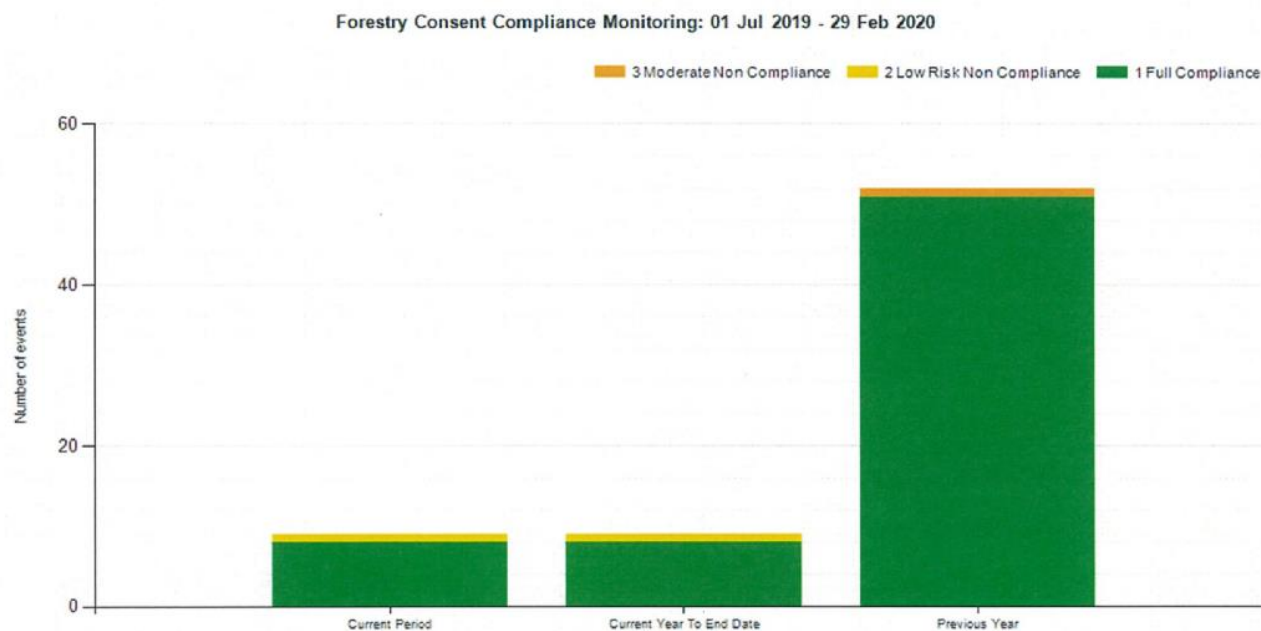


Figure 1: Consent compliance monitoring



2. Permitted activity forestry activities covered by the NES-PF

Under the National Environmental Standards for Plantation Forestry (NES-PF), forest owners must notify us of any of the following activities:

- Afforestation
- Earthworks
- River crossings
- Quarrying
- Harvesting.

Notification is done via an online form on NRC's website. The information in the form is automatically uploaded and creates a record in IRIS. The record is assigned to an environmental monitoring officer for checking and administration.

NRC requires the submission of the following plans, where applicable:

- Forestry earthworks management plan
- Quarry erosion and sediment management plan
- Harvest plan.

The plans can be submitted on the online portal or via email. The plans are reviewed by an environmental monitoring officer. Checklists are used to ensure that plans are up to standard (see attached Schedule 3 and Schedule 4 checklists).



Compliance outcomes for permitted activities for the period 1 July 2019 to 29 February 2020 are shown in Figure 2 below.

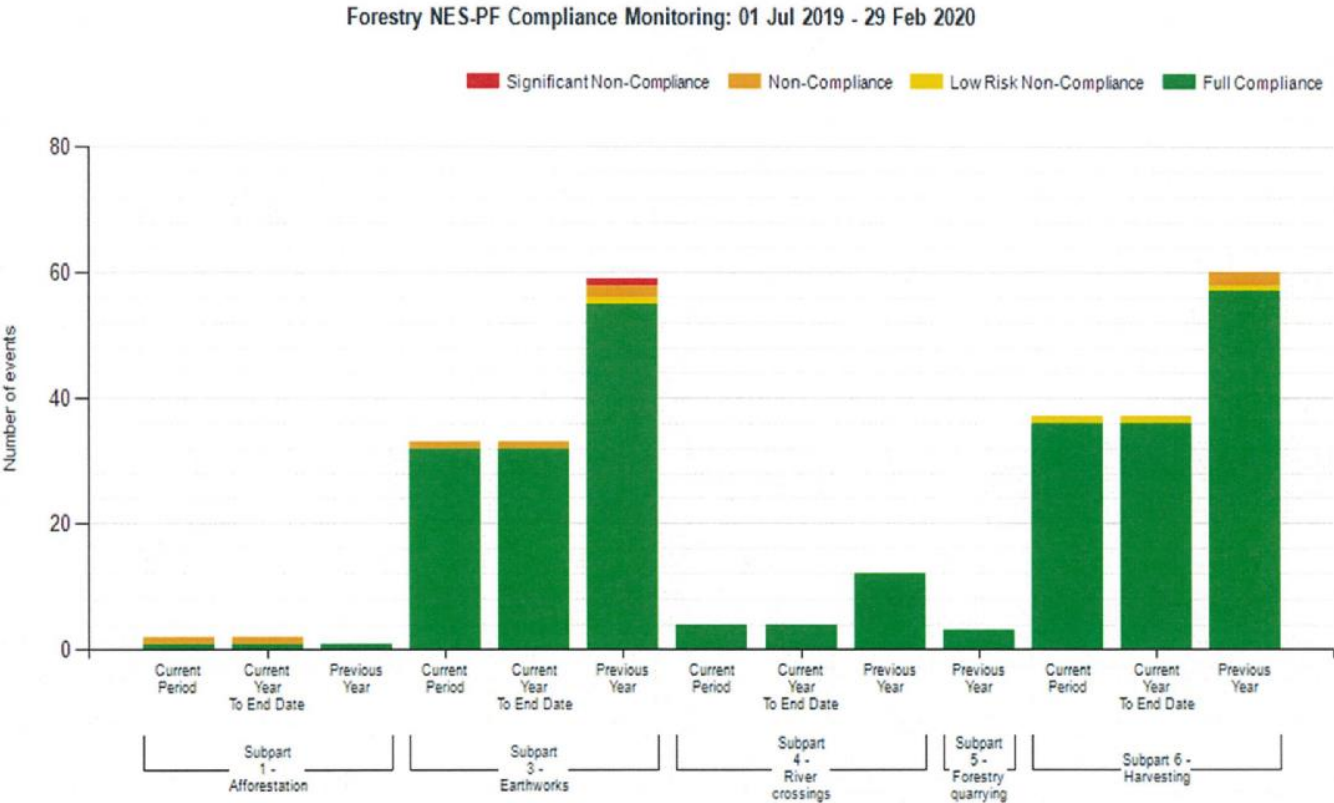


Figure 2: NES-PF compliance monitoring



Site visits

A matrix is used to assign the activity a score that relates to the probability of an environmental event occurring and the severity of the event to the environment. This approach allows council to focus more attention on the higher risk sites.

Where a site visit is made a site visit checklist is completed (copy attached) and a compliance grade is allocated.

For both consented and NES-PF monitoring, the standard compliance grades are allocated (in line with MfE's Best practice guidelines for Compliance, Monitoring and Enforcement under the RMA):

1. Full compliance
2. Low risk non-compliance
3. Moderate Non-compliance
4. Significant non-compliance.

NATIONAL ENVIRONMENTAL STANDARDS – PLANTATION FORESTRY SCHEDULE 3 – CHECKLIST FORESTRY EARTHWORKS MANAGEMENT PLAN & HARVEST PLAN		
PLANNING CHECKLIST NES-PF	Applicable	Detail / Plan reference (where applicable)
A forestry earthworks management plan must include the information set out in clauses 1, 2, 3, 4 & 6.	<input type="checkbox"/>	
A harvest plan must include the information set out in clauses 1, 2, 3, 5 & 6.	<input type="checkbox"/>	
A combined forestry earthworks management plan and harvest plan must include all of the information set out below.		
1. Person and property details The person and property details are –		
(a) The plan date	<input type="checkbox"/>	
(b) The name of, and contact details for the landowner or their agent	<input type="checkbox"/>	
(c) The name of, and contact details for the forest owner (if different)	<input type="checkbox"/>	
(d) The name of, and contact details for the harvest and earthworks managers (if different)	<input type="checkbox"/>	
(e) The contact details for service – postal address, email and contact telephone numbers	<input type="checkbox"/>	
(f) The region and district in which the forest is located	<input type="checkbox"/>	
(g) The name of the road used for forest access and rural number of entry point	<input type="checkbox"/>	
(h) The forest name or property location identifier	<input type="checkbox"/>	
(i) The cadastral and map references, or GIS polygon reference.	<input type="checkbox"/>	
2. Map The plan must include a map (or maps) that include and show –		
(a) A scale not less than 1:10,000	<input type="checkbox"/>	
(b) The computer freehold register, the date, and a north arrow	<input type="checkbox"/>	
(c) The harvest area boundary	<input type="checkbox"/>	
(d) The external property boundaries within 200 m of the harvest and earthworks area	<input type="checkbox"/>	
(e) The contour lines at less than, or equal to 20 m intervals	<input type="checkbox"/>	
(f) The erosion susceptibility classification (NES-PF overlay map)	<input type="checkbox"/>	
(g) The proposed harvesting method (hauler or ground-based, or other) and arrows showing extraction directions to the skid or landing	<input type="checkbox"/>	
(h) The proposed forestry road locations, and landing or skid locations	<input type="checkbox"/>	
(i) Any on-site risk areas as identified under clause (3).	<input type="checkbox"/>	

PLANNING CHECKLIST NES-PF	Applicable	Detail / Plan reference (where applicable)
3. Water and on-site areas		
Water on site		
The plan must identify the location of (and mark on a map) –		
(a) Wetlands larger than 0.25 ha and lakes larger than 0.25 ha	<input type="checkbox"/>	
(b) Rivers to their perennial extent	<input type="checkbox"/>	
(c) Rivers where the bank full channel width is 3 m or more	<input type="checkbox"/>	
(d) Any outstanding freshwater body or water body subject to a water conservation order	<input type="checkbox"/>	
(e) The coastal marine area	<input type="checkbox"/>	
(f) Any setbacks.	<input type="checkbox"/>	
Downstream risks		
The plan must –		
(a) For sites with a perennial river, identify the risks downstream of the operation (should slash or sediment be mobilised) to any:		
(i) public roads and other infrastructure	<input type="checkbox"/>	
(ii) downstream properties (and show the location of dwellings)	<input type="checkbox"/>	
(iii) downstream river, lake, estuary or sea	<input type="checkbox"/>	
(b) Identify any registered drinking water supply, including drinking water sources for more than 25 people, within 1 km downstream of the activity.	<input type="checkbox"/>	
On-site risks		
The plan must identify the location of (and mark on a map) any features that are to be protected during the operation, including significant natural areas.		
Forestry infrastructure		
The plan must identify the location of (and mark on a map) any –		
(a) Existing roads, tracks, landings firebreaks and river crossings	<input type="checkbox"/>	
(b) Proposed new roads, tracks, landings, firebreaks, river crossings (permanent and temporary), and fuel storage and refuelling sites	<input type="checkbox"/>	
(c) Proposed end-haul deposit sites	<input type="checkbox"/>	
(d) Slash storage areas.	<input type="checkbox"/>	
4. Forestry earthworks management plan		
The plan must –		
(a) Identify the area to which the plan applies	<input type="checkbox"/>	
(b) Describe the scope of work covered by the earthworks and whether it is for maintenance, upgrade, road widening, realignment, or new works	<input type="checkbox"/>	
(c) Indicate the anticipated construction time for forestry earthworks and stabilisation	<input type="checkbox"/>	

PLANNING CHECKLIST NES-PF	Applicable	Detail / Plan reference (where applicable)
(d) Describe clearly the management practices that will be used to avoid, remedy, or mitigate risks due to forestry earthworks that have been identified on the map, including the proposed erosion and sediment control measures to be used and the situations in which they will be used, in sufficient detail to enable site audit of the management practices to be carried out.	<input type="checkbox"/>	
(e) Include the following for earthworks management:		
(i) water run-off control measures	<input type="checkbox"/>	
(ii) sediment control measures during construction and during harvest	<input type="checkbox"/>	
(iii) the method used to manage excess fill for large-scale cut and fill operations, and if end haul, the proposed disposal location	<input type="checkbox"/>	
(iv) methods used to stabilise batters, side cast, and cut and fill	<input type="checkbox"/>	
(v) post-harvest remedial work (timing and methods).	<input type="checkbox"/>	
5. Harvest plan The plan must include –		
(a) The harvesting method, whether ground-based or hauler (or any other method), and the hauler system type	<input type="checkbox"/>	
(b) The planned timing, duration, intensity, and any proposed staging of the harvest	<input type="checkbox"/>	
(c) The management practices that will be used to avoid, remedy, or mitigate risks due to forest harvesting on features identified under clause 3(3) and mapped, including the slash management and procedures for –		
(i) avoiding instability of slash at landing sites	<input type="checkbox"/>	
(ii) keeping slash away from high-risk areas (no-slash zones)	<input type="checkbox"/>	
(iii) slash management in the vicinity of waterways, including identifying any areas where it would be unsafe or impractical to retrieve slash from water bodies	<input type="checkbox"/>	
(iv) measures to ensure that slash is not mobilised in heavy rain events (5% AEP or greater) and contingency measures for such movement, including requirements for slash removal from streams and use of slash traps	<input type="checkbox"/>	
(d) Any operational restrictions to –	<input type="checkbox"/>	
(i) minimise damage to indigenous vegetation	<input type="checkbox"/>	
(ii) avoid damage to downstream and adjacent infrastructure and properties.	<input type="checkbox"/>	
6. Management practices for maintenance and monitoring The plan must include –		
(a) The proposed routine maintenance and monitoring processes	<input type="checkbox"/>	
(b) The proposed heavy rainfall contingency and response measures, including		
(i) specific triggers or thresholds for action; and	<input type="checkbox"/>	
(ii) post-event monitoring and remedial works	<input type="checkbox"/>	
(c) The post-harvest monitoring of residual risks, and the corrective action processes.	<input type="checkbox"/>	

NATIONAL ENVIRONMENTAL STANDARDS – PLANTATION FORESTRY SCHEDULE 4 – CHECKLIST QUARRY EROSION & SEDIMENT MANAGEMENT PLAN SPECIFICATIONS		
QUARRY CHECKLIST NES-PF	Applicable	Detail / Plan reference (where applicable)
1. Person and property details		
The person and property details are –		
(a) The plan date	<input type="checkbox"/>	
(b) The name of, and contact details for the landowner or their agent	<input type="checkbox"/>	
(c) The name of, and contact details for the forest owner (if different)	<input type="checkbox"/>	
(d) The name of, and contact details for the quarry manager (if different)	<input type="checkbox"/>	
(e) The contact details for service – postal address, email, contact phone(s)	<input type="checkbox"/>	
(f) The region and district in which the quarry is located	<input type="checkbox"/>	
(g) The name of the road used for quarry access and rural number of entry point	<input type="checkbox"/>	
(h) The property location identifier and the legal title shown on the computer register	<input type="checkbox"/>	
(i) The cadastral and map references, or GIS polygon reference.	<input type="checkbox"/>	
2. Map		
The plan must include a map that includes –		
(a) A 1:1 000 – 1:5 000 scale	<input type="checkbox"/>	
(b) The title, the date and a north arrow	<input type="checkbox"/>	
(c) The external property legal boundaries	<input type="checkbox"/>	
(d) The contour lines at less than or equal to 20 m intervals	<input type="checkbox"/>	
(e) The erosion susceptibility classification (NES-PF overlay map)	<input type="checkbox"/>	
(f) The proposed quarry layout	<input type="checkbox"/>	
(g) Any sight lines to dwellings on adjacent properties within 2 km of the quarry	<input type="checkbox"/>	
(h) The boundaries of the plantation forest.	<input type="checkbox"/>	
3. Water and on-site risk areas		
The plan must identify the location of (and mark on a map) –		
(a) Wetlands larger than 0.25 ha and lakes larger than 0.25 ha	<input type="checkbox"/>	
(b) Rivers to their perennial extent, with arrows showing direction of flow	<input type="checkbox"/>	
(c) Any water table that the quarry may intercept	<input type="checkbox"/>	
(d) The coastal marine area	<input type="checkbox"/>	
(e) Any setbacks.	<input type="checkbox"/>	

PLANNING CHECKLIST NES-PF	Applicable	Detail / Plan reference (where applicable)
4. Management practices The plan must document the management practices that will be used to avoid, remedy, or mitigate risks due to quarrying that have been identified on the map, in sufficient detail to enable a site audit of the management practices to be carried out.		
5. Further details The plan must include details of –		
(a) The amount, timing and duration of quarrying	<input type="checkbox"/>	
(b) The erosion and sediment control measures to be used, including –		
(i) methods used to maintain stability of any cut faces	<input type="checkbox"/>	
(ii) methods used to manage overburden, including stability and erosion of exposed soil	<input type="checkbox"/>	
(iii) methods used to manage sediment and storm water	<input type="checkbox"/>	
(iv) methods used to avoid effects on riparian margins and water bodies	<input type="checkbox"/>	
(c) Maintenance and monitoring procedures	<input type="checkbox"/>	
(d) Heavy rainfall response and contingency measures	<input type="checkbox"/>	
(e) Restoration of the quarry after quarrying ceases	<input type="checkbox"/>	
(f) Corrective action processes.	<input type="checkbox"/>	



NES – PF RISK MATRIX – Earthworks/Harvesting

The NES – PF risk matrix for earthworks/harvesting is designed to capture the level of risk by considering the dimension of probability of adverse environmental impact as a consequence, against the dimension of consequence severity. This system uses the risks identified in the harvest/earthworks management plans to determine the field monitoring regime for a site.

For the NES – PF risk matrix, the probability dimension is translated into operator competency which is measured by the compliance history of an operator or company. The severity dimension is measured by sensitivity of the receiving environment.

The parameters for assessing the sensitivity of the receiving environment relate to the information provided in a harvest/earthworks management plan as prescribed in schedule 3. The totals of each dimension are plotted onto the matrix to produce a single value that represents the overall risk of a site.

There are four risk categories identified in the matrix:

Category 1: A score below 6 (in the green) poses a LOW environmental risk and does not require field monitoring if the management plans meet the requirements of the NES – PF and are detailed enough to fully understand the scope of the operation.

Category 2: A score between 6 – 10 (in the yellow) poses a MODERATE environmental risk and requires field monitoring.

Category 3: A score between 11 – 15 (in the orange) poses a HIGH environmental risk and requires field monitoring.

Category 4: A score 16 and higher (in the red) poses a SIGNIFICANT environmental risk and requires field monitoring.

The field monitoring regime can be assigned on a case by case basis, depending on the challenges of a site, however, the priority should increase with the category which will likely relate to the number of site visits undertaken.

The frequency of site visits can be re-evaluated on site for any risk category and increased or decreased accordingly.

Incomplete or vague/confusing management plans in which the risk matrix cannot be implemented appropriately will trigger a site visit unless the required information has been supplied to council.

The matrix can also be used to focus monitoring to a particular phase during the operation or a particular location on site by identifying where the weight of the overall risk lies. For example, an outstanding waterbody in the harvest area may produce a high risk value for a site overall but may be the only risk associated with the operation. In this case, a site inspection would be better placed when forestry activities are being undertaken close to the outstanding waterbody rather than in another area of the forest.



Compliance history of operator (y axis)

Tick ONE that applies

No non-compliance history		1
Minor non-compliance not within the last 6 months		2
Minor non-compliance within the last 6 months		3
Non-compliance not within the last 6 months		3
Non-compliance within the last 6 months		4
Significant non-compliance		5
Unknown to council		6
TOTAL		

Sensitivity of receiving environment (x axis)

Tick ONE that applies in each category

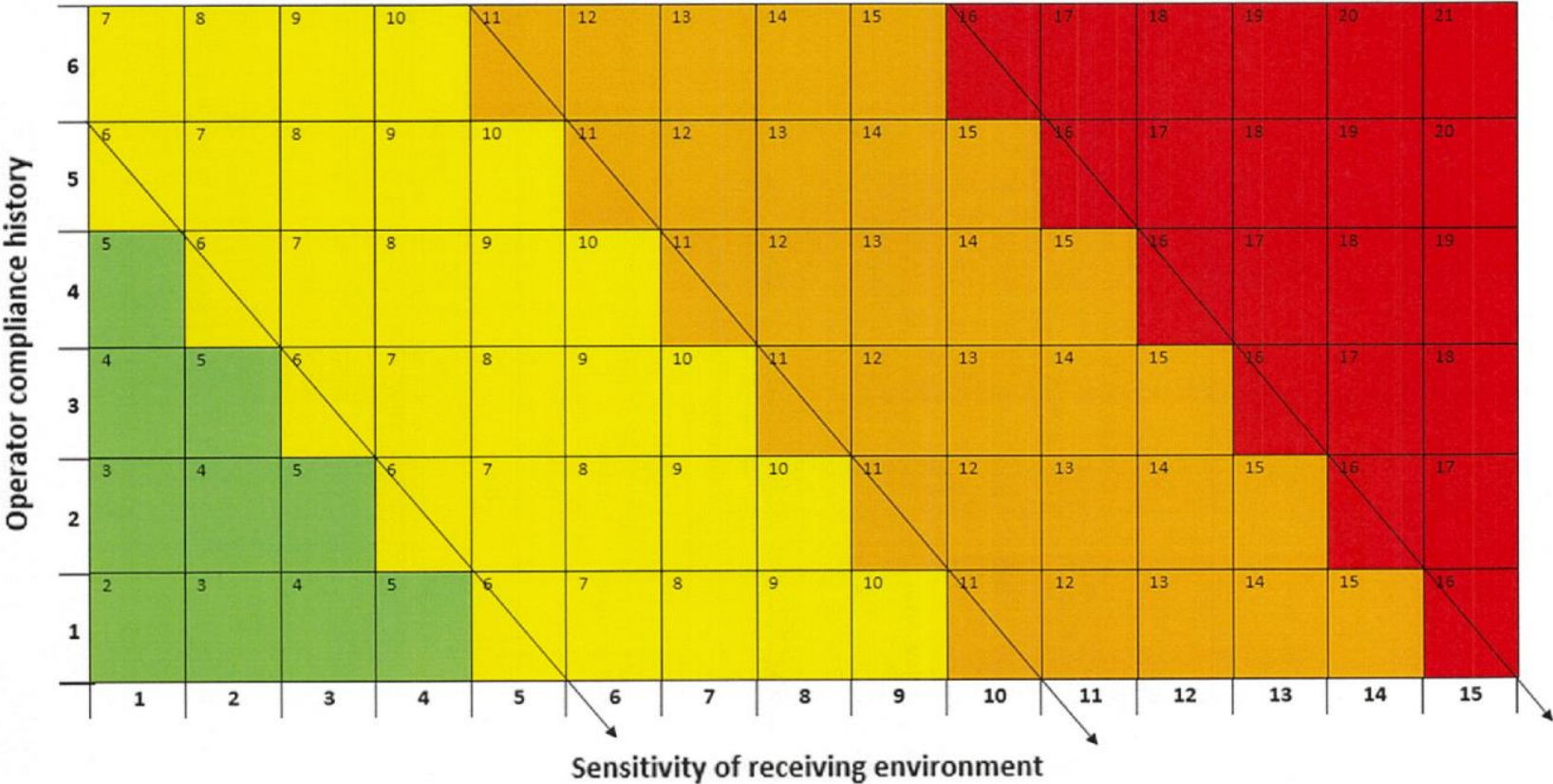
Harvest area	Less than 20ha		1
	20ha – 70ha		2
	More than 70ha		3
Stream (within or bordering harvest boundary)	N/A		0
	Ephemeral		1
	Perennial < 3m		2
	Perennial > 3m		4
Outstanding freshwater body	N/A		0
	Outstanding freshwater body within 100m of harvest boundary		2
	Outstanding freshwater body inside or bordering harvest boundary		4
Waterbody (within or bordering harvest boundary)	N/A		0
	Lake and/or wetland > 0.25ha		4
Coastal Marine Area	N/A		0



	CMA within 200m of harvest boundary		2
	CMA on harvest boundary		5
Water body subject to a conservation order	N/A		0
	Water body subject to a conservation order within 100m of harvest boundary		2
	Water body subject to a conservation order inside or bordering harvest boundary		4
Drinking water supply within 1km downstream of activity	N/A		0
	0 – 24 people supplied		3
	25 – 500 people supplied		5
	>500 supplied		7
Significant Natural Areas	N/A		0
	SNA within or bordering harvest boundary		4
Stream Crossing	N/A		0
	Temporary stream crossing		2
	Permanent stream crossing		5
ESC zone (≥50% of harvest area)	Green		0
	Yellow		1
	Orange		3
	Red		6
TOTAL			



NES – PF Risk Matrix



NES - PF SITE VISIT CHECKLIST		
Earthworks	General	<input type="checkbox"/> All earthworks are 10m from setback A & B and 30m from setback C except where regulation 29(3)* applies (29(1)(2)) <input type="checkbox"/> Fill does not contain more than 5% vegetation or wood (30(1)) <input type="checkbox"/> Soil disturbance does not cause accelerated erosion, obstruction, or diversion of water flow in ephemeral flow paths. (28(2)) <input type="checkbox"/> Disturbed soil is stabilised or contained to minimise sediment entering water and resulting in damage to receiving environments (31(1)) <input type="checkbox"/> No spoil deposited over slash or woody vegetation, near a water body, coastal marine or a significant natural area, or onto land that may increase the risk of sediment/spoil entering water (30(2))
	Roading & Tracking	<input type="checkbox"/> Water is diverted to stable ground and away from fill (33(1a)) <input type="checkbox"/> Storm water culverts are a minimum of 325mm diameter in green, yellow and orange zone <25° slope and 375mm for orange zone >25° slope or in a red zone (31(4))
	Landing/Skid	<input type="checkbox"/> No or only minimal ponding (33(1))
River crossings (general conditions)		<input type="checkbox"/> Does not alter alignment or gradient of river (39(a)) <input type="checkbox"/> No damming or diverting of water that causes flooding for neighbouring properties (39(c)) <input type="checkbox"/> Allow for passage of fish (40) <input type="checkbox"/> Does not cause or induce erosion, instability of banks, or create sedimentation (41(1)(2)) <input type="checkbox"/> No aggradation or erosion of the water body bed (42)
Quarrying		<input type="checkbox"/> Not less than 20m from setback A & B and 30m from setback C (54(3)) <input type="checkbox"/> All topsoil stripped from the surface of the land must be retained on the property for future restoration of the land (55(3)) <input type="checkbox"/> No overburden deposited over slash or woody vegetation, near a water body, coastal marine or a significant natural area, or onto land that may increase the risk of sediment/spoil entering water (55(1))
Harvesting		<input type="checkbox"/> Trees felled away from any water body unless it is unsafe to do so (68(1)) <input type="checkbox"/> Full suspension is achieved across water body 3m or more in width (68(3)) <input type="checkbox"/> Harvesting machinery must not be operated within 5m from setback A, 10m from setback B and 30m from setback C except where regulation 68(5)* applies (68(4))

	<input type="checkbox"/> Harvested areas appropriately stabilised with slash or hay mulch to minimise sediment entering water (67(2)) <input type="checkbox"/> Slash placed on stable ground (69(1)(2)) <input type="checkbox"/> No slash deposited into a water body or land that would be covered by water during a 5% AEP event (69(3))
General	<input type="checkbox"/> Scope of the operation is consistent with the management plans <input type="checkbox"/> Freshwater is suitable for consumption by farm animals (26(b) 56(1b) (65(b)) <input type="checkbox"/> No significant adverse effects on aquatic life (26(c) 56(1c) 65(c) 67(2b) 68(6b) 69(4c)) <input type="checkbox"/> No conspicuous change in colour or clarity of water (26(a), 56(1a) 65(a)) <input type="checkbox"/> No damage to downstream infrastructure, property, or receiving environments, including coastal environment (31(1b) 56(2b) 67(2c) 68(6c) 69(4d)) <input type="checkbox"/> No diversion and damming of any waterbody (31(1a) 56(2a) 67(2a) 68(6a) 69(4a)) <input type="checkbox"/> Stormwater, water runoff, and sediment control measures are installed and maintained. (31(2) 56(3)) <input type="checkbox"/> No fuel storage sites located within 10m from setback A & B and 30m from setback C (104(2)) <input type="checkbox"/> No objectionable/noxious/dangerous/offensive dust beyond the boundary (100(2))

POST NES-PF ACTIVITY CHECKLIST		
General	<input type="checkbox"/>	Exposed areas of soil, except firebreaks, that may result in sediment entering water must be stabilised as soon as practicable after completion of the activity, but no later than the last day of the autumn or the spring, whichever is sooner, after completion of the activity. (32(1)) – see 32(2)* for suitable methods of stabilisation
Quarry	<input type="checkbox"/>	Overburden and exposed spoil must be stabilised within 6 months of exposure to prevent soil erosion and sediment export. (55(2))
	<input type="checkbox"/>	Within 2 months of the quarry being deactivated, the land must be restored to a stable land form. (55(4))

Setback A: Perennial river with bankfull channel width less than 3m, wetland larger than 0.25ha



Setback B: Perennial river with bankfull channel width 3m or more, lake larger than 0.25ha, outstanding freshwater body, water body subject to a water conservation order

Setback C: Coastal marine area

Compliance status

Full compliance	All boxes checked
Minor/technical non-compliance	Any non-bolded box unchecked (up to 3 non-bolded boxes unchecked)
Non-compliance	Any bolded boxes unchecked or 3 or more non-bolded boxes unchecked
Significant non-compliance	Any red bolded box unchecked

*32(2) Suitable measures for stabilisation include—

- (a) seeding:
- (b) vegetative cover, mulch, or slash cover:
- (c) compacting, draining, roughening, or armouring by the placement of rock or the use of other rigid materials.

*29(3) The setbacks in subclause (1) do not apply—

- (a) if the earthworks are for the construction and maintenance of a river crossing, a sediment or water control measure, or a slash trap or debris retention structure; or
- (b) if the earthworks within the setback will result in less than 100 m² of soil disturbance in any 3-month period, and are not within 5 m of the water body; or
- (c) during the maintenance and upgrade of existing earthworks.

*68(5) Harvesting machinery may be operated in the setbacks required by subclause (4) only if—

- (a) any disturbance to the water body from the machinery is minimised; and
- (b) the harvest machinery is being operated—
 - (i) at water body crossing points; or
 - (ii) where slash removal is necessary; or
 - (iii) where essential for directional felling in a chosen direction or extraction of trees from within the setbacks in subclause (4).

TITLE: Outstanding Marine Farm Bonds Protocol

ID: A1308154

From: Colin Dall, Group Manager - Regulatory Services

Executive Summary | Whakarāpopototanga

Almost all marine farms in Northland are oyster farms and since 2010 almost all of those (built) farms have required a bond or bond alternative under their coastal permits to recover the clean-up costs from permit holders in respect of any farms that fell into disrepair or disuse.

After little progress had been made by individual oyster farmers to set up bonds for their permits, the New Zealand Oyster Industry Association set up an industry-based fidelity-type fund as an alternative to individual oyster farm bonds lodging cash or surety bonds on their permits.

Approximately 50% of Northland oyster farms are now covered by the fund, but the bonds for many of the remaining oyster farms are still outstanding.

Bond amounts are based on the developed (built) area or “horizontal lineal metres of racks” within farms, which were last mapped accurately in 2012.

The following protocol is proposed to get marine farm permit holders who haven’t met the bond requirements of their permits to put in place the bond or alternative surety required by their permits:

- Re-mapping of the current built area of, and horizontal lineal metres of racks within, farms using aerial imagery was collected by the Lidar surveys undertaken by the council. [This will also be used to validate the adequacy of existing bonds for marine farms.]
- Send out letters to all permit holders without a bond by end of May 2020 stating the required bond for their farm(s) and give them a deadline of 30 October 2020 to put in place a bond arrangement. Bond options will be provided within the letter, including cash, bank surety and the fidelity fund.
- Take enforcement action, such as abatement and infringement notices, against permit holders that do not meet the deadline to enter into a bond arrangement.

Recommended Actions

1. The Group Manager finalises the protocol after receiving feedback from the Working Party.

Background | Tuhiinga

Following a review of conditions on coastal permits for marine farms commenced in 2005, the council resolved to impose new conditions on those permits which would allow it to recover clean-up costs from permit holders in respect of any farms that fell into disrepair or disuse. Almost all marine farms in Northland are oyster farms.

A hearing was required to determine the proposed new permit conditions, which was conducted by an independent hearing committee. The committee released its Final Decision on the new consent conditions on 21 April 2010, which imposed the following conditions relating to financial security for clean-up of oyster farms:

Bond

15 *Within six months of the date of commencement of this reviewed condition, the permit holder shall enter into and thereafter maintain a bond with the regional council. Subject to conditions 19 and 22 the bond shall be in the amount of:*

- i. \$6.95 per horizontal lineal metre of racks within the area approved by this permit; or alternatively,*
- ii. \$9,000 per developed hectare within the area approved by this permit*

Alternative (a) or (b) shall be the choice of the permit holder

The form of the bond shall be a bank or other surety acceptable to the regional council.

If a bond is provided by a bank or other surety, then it will be prepared by the regional council's solicitor, and shall be signed and sealed by both parties. All costs associated with the preparation and registration of the bond shall be met by the permit holder.

Alternative to bond

19 *The requirement for a bond pursuant to conditions 15-18 (inclusive) hereof may be waived by the regional council if the permit holder is able to satisfy the regional council, either within six months of the date of commencement of this reviewed condition or at any time during the term of a bond or other surety already established under condition 15 hereof, that the permit holder has secured the risk of marine farm removal costs pursuant to an alternative arrangement on terms acceptable to the regional council.*

By mid-2012, oyster farmers had made little progress towards meeting the bond/financial security conditions of their permits. However, the New Zealand Oyster Industry Association (NZOIA) proposed an industry-based fidelity-type fund as an alternative to individual oyster farm bonds lodging cash or surety bonds on their permits.

The NZOIA, working with council staff, took almost a year to develop its proposed alternative to a form acceptable to the council. The alternative fund then took further time to set up and implement but since then has been running for a number of years. Approximately 50% of Northland oyster farms are now covered by the fund. The bonds for many of the remaining oyster farms are still outstanding.

Authorised by Group Manager

Name: Colin Dall
Title: Group Manager - Regulatory Services
Date: 22 April 2020

TITLE: Draft Compliance Monitoring & Enforcement Strategy

ID: A1307913

From: Colin Dall, Group Manager - Regulatory Services

Executive Summary | Whakarāpopototanga

Attached for the Planning & Regulatory Working Party's consideration and feedback is a draft Compliance Monitoring & Engagement Strategy.

The purpose of the CME Strategy is to provide overarching direction on how the Northland Regional Council plans to meet its compliance monitoring and enforcement (CME) responsibilities under the Resource Management Act 1991 (the RMA) and the outcomes it is seeking to achieve.

Recommended Actions

1. That Working Party members provide feedback on the draft

Background | Tuhinga

The council has statutory responsibilities under the RMA to:

- Monitor and enforce the resource consents it grants and the rules in its regional plans.
- Respond to reports (complaints) of breaches of the RMA and take appropriate action to address breaches where established.
- Enforce the observance of national environmental standards and other regulations promulgated under the RMA.

The action the council takes to meet these responsibilities is set out in a range of documents including manuals, activity management plans, procedures and protocols. However, currently there is no overarching document that "tells the story" in a concise and simple manner how the council meets these responsibilities and the outcomes it is seeking to achieve.

Attachments | Ngā tapirihanga

Attachment 1: DRAFT Compliance Monitoring Enforcement Strategy [↓](#) 

Authorised by Group Manager

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Date: 22 April 2020

COMPLIANCE MONITORING & ENFORCEMENT STRATEGY AT A GLANCE



Our vision

To help achieve sustainable management of the natural and physical resources in our region

Our priorities

Efficient & effective compliance monitoring	Appropriate response	Effective enforcement	Communication & engagement
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Description

Detect and/or prevent non-compliance and adverse environmental effects.	Promote compliance and positive behaviour changes through: <ul style="list-style-type: none"> Enabling Engaging Educating Enforcing 	Enforcement decisions will be made free from political influence and will be consistent and in order to punish non-compliance and deter future offending.	Give assurance to the public that rules/policies are being monitored and enforced through regular reporting of CME, while at the same time providing opportunity for compliance promotion and education.
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Key objectives

<ul style="list-style-type: none"> We will monitor compliance with the RMA and RMA regulations, resource consents and regional rules on a risk-based approach. We will monitor all industrial, municipal sewage and farm discharges, and major water takes at appropriate frequencies. 	<ul style="list-style-type: none"> When appropriate we will seek to educate and inform where genuine attempts at compliance have been made. We will alert resource users to what is required to be compliant. We will develop specific targeted education/guidelines for certain industry sectors. 	<ul style="list-style-type: none"> All prosecution decisions will be made by an enforcement decision group. Each case will be assessed upon its individual circumstances so that our response is proportionate to the circumstances of the breach(es). 	<ul style="list-style-type: none"> We will work collaboratively with other agencies and stakeholder groups to maximise compliance and improve environmental performance. We will attend and participate in community and industry liaison activities.
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