

Planning & Regulatory Working Party
Wednesday 24 June 2020 at 9.30am

AGENDA

Planning & Regulatory Working Party Agenda

Meeting to be held via Zoom video and teleconferencing
on Wednesday 24 June 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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Malcolm Nicolson, Pita Tipene, Jason Donaghy	
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TITLE: **Receipt of Meeting Notes**


ID: A1322624

From: Rachael King, Board Secretary

Executive Summary | Whakarāpopototanga

The purpose of this report is to present the Record of Actions of the last meeting held on 29 April 2020 for review by the meeting.

Attachments | Ngā tapirihanga

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

Authorised by Group Manager

Name: Jonathan Gibbard

Title: Group Manager - Strategy, Governance and Engagement

Date: 17 June 2020

Planning & Regulatory Working Party Meeting Notes

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

Present Tuhinga:	Cr Joce Yeoman	(Chair)
	Cr Amy Macdonald	
	Cr Colin Kitchen	
	Cr Justin Blaikie	
	Cr Penny Smart	(Ex-Officio)
	Mira Norris	Te Parawhau Hapū Authority Charitable Trust
	Rowan Tautari	Te Whakapiko Hapū
In Attendance I Tae Mai:	GM – Strategy, Governance & Engagement	
	GM – Regulatory Services	
	Strategy, Policy & Planning Manager	
	Compliance Monitoring Manager	
	Natural Resources Policy Manager	
	Policy Specialist – Water	
	Kaiawhina Kaupapa Māori	
	Strategy, Planning & Policy Administrator (minutes)	

The Chair opened the meeting at 9.35am with a mihi.

1.0 APOLOGIES | NGĀ WHAKAPAHĀ

Juliane Chetham, Malcolm Nicolson

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 Receipt of Meeting Notes

- Taken as read

3.2 Planning & Policy Work Programme

Presented by: Ben Lee - Strategy, Policy & Planning Manager

- Main area of focus is Regional Plan finalisation
- Hearings on appeals were due to start April, but start date now unsure due to COVID-19
- Other main focus is Freshwater Quality Plan change and rolling out obligations
- NES Air Quality standards deadline has been extended to 31 July

- RMA amendments are due to head to their second reading

Agreed Action:

- Briefing on NES Air Quality Standards to be provided to the June meeting

3.3 Unconsented Grids

Presented by: Michael Day - Natural Resources Policy Manager

- The number of grids is not so much an issue as the fact that as no-one takes ownership for them - there is no control over the way they are used, allowing for contamination of water and spread of marine pests
- Consented grids have conditions which state what you can and can't do on the grid
- Previously communities have been offered the option to take ownership and have them consented – this approach has not been successful to date
- A lot of the grids are historic, which pre-date the coastal plan (ie. 40 – 50 years old)
- Have so far taken a more lenient approach to allowing unconsented grids to remain in some areas where there are limited boat facilities
- Now attempting to reduce / eliminate unconsented grids, which can be removed if deemed to be abandoned
- No set timeframe – currently addressing those which are more problematic
- Marine Biosecurity team are looking at a policy being introduced (not necessarily RMA) to allow phasing out of unconsented grids in order to address the issues that they are creating within the marine environment
- Council is only able to deal with environmental incidents with the information provided, which is sometimes inadequate to identify offenders

Agreed Action:

- Provide status on Marine Biosecurity team progress to next WP meeting

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

Presented by: Ben Tait - Policy Specialist (Water)

- Initial stages of the project are underway - NIWA and Land & Water Science have been commissioned to provide modelling to allow an understanding of baseline water quality
- Developing a model to make predictions about future water quality – expected to be delivered in June / July
- Due to COVID-19 it is now unclear what the new NPS will look like and the timing of the release
- Met with MTAG on 16 April to discuss way forward liaising with tangata whenua and other key stakeholders – strawman being developed and will be presented to next MTAG meeting for discussion
- Understanding sediment transport is extremely difficult – traditionally deal with long term medians and averages
- Draft NPS has two – deposited sediment and suspended sediment – based on annual medians, not episodic rainfall events such as heavy rainfall following logging of a forestry area

- More monitoring will be required if NPS proceeds
- Consideration needs to be given to the fact that water allocation affects quality - allocation is addressed in the Proposed Regional Plan
- A separate piece of work is being undertaken looking at a review of allocation levels and quality
- Discussion took place re engagement with communities and ensuring that the approach is consistent across the organisation and taking opportunities to combine engagement where possible / suitable
- As far as is possible to ascertain, the budget to complete the project is adequate, however, due to budget constraints may be a risk it will not be enough should extra consultancy work be required
- Timeframes may need to be pushed out to July council meeting – milestones need to be updated in the project plan
- Following engagement, will work through with full council – WP feel that due to the significance of the NPS, it needs to be full council rather than just worked through at WP level
- Anticipated that engagement will follow roughly the same process as PRP

Agreed Action:

- Provide an update to each Working Party meeting

3.5 Climate Change Related Provisions within Regional Planning Documents

Presented by: Michael Day - Natural Resources Policy Manager

- Focuses on provisions that specifically refer to climate change in both plans
- Important to note that the document has been future-proofed, by referring to “the latest national guidance” rather than a specific point in time
- Discussion re liaison with district councils and implementation and capacity and capability of the organisation to address this
- Reviewing the RPS will start next year
- Discussion took place re hard protection structures

Agreed Action

- Ben L to circulate wording from RPS relating to precautionary policy approach

11.29am - Amy Macdonald, Penny Smart, Tess Dace & Jonathan Gibbard left the meeting

3.6 New Regional Plan Implementation Plan

Presented by: Colin Dall - GM, Regulatory Services

- Has been tasked to set up a staff working group to set up plan
- Little progress has been made to date due to COVID-19
- Now that we are operating under Level 3, will be able to progress the matter
- Draft plan will be presented to the Working Party later in the year

3.7 NRC Forestry Monitoring Programmes

Agreed Action:

- Defer item to next meeting

3.8 Outstanding Marine Farm Bonds Protocol

Presented by: Colin Dall - GM, Regulatory Services

- Timing is unfortunate due to COVID-19, however, this issue has been going on for over ten years
- It was agreed to proceed with the proposed protocol and deal with hardship issues on a case-by-case basis

3.9 Drought Update

Presented by: Colin Dall - GM, Regulatory Services

- Although there appears to have been a reasonable amount of rainfall this month, YTD Whangārei is still 40% below average, with the rest of the region around 45 – 50% below average
- The area is still in drought with fluctuating rainfall patterns expected
- Level 4 restrictions are still in place in some areas – working with CDEM and arranging tanker deliveries to communities - 200+ deliveries since 13 March
- Availability of stock feed is now becoming an issue – MPI working on this
- Discussion regarding increased use of household water tanks and whether this would alleviate the issue

11.48am - Penny Smart re-joined the meeting

3.10 Draft Compliance Monitoring & Enforcement Strategy

Presented by: Colin Dall - GM, Regulatory Services

- The challenge has been keeping the document short and concise
- Costs associated with CME - where we can recover those from applicants it should be taken into account and noted in the strategy
- Discussion took place regarding decision making and enforcement and a clear structure to move forward
- Strategy well written and clear
- Next steps are to take the strategy to ELT, and then on to Council for endorsement

Agreed Action:

- Email any further comments through to Colin Dall

The meeting closed at 11.59am

TITLE: Regulatory Services Update

ID: A1322619

From: Colin Dall, Group Manager - Regulatory Services

Executive Summary | Whakarāpopototanga

Since the last Planning and Regulatory Working Party meeting, COVID-19 response restrictions have been relaxed and Regulatory Services staff have been busy catching-up on work that wasn't able to be done during the lockdown period.

Over the period 1 – 31 May 2020, a total of 424 consents were monitored. Although staff are endeavouring to inspect as many consents as practical by 30 June, not all the planned number of inspections for the 2019/2020 year will be achieved.

As the Courts have also resumed normal business, there has been progress on some of the enforcement proceedings that the council has taken. Of note is that the person responsible for illegal earthworks on a sand dune at Tokerau Beach pled guilty to undertaking those works on 4 June 2020. The matter is now proceeding to sentencing.

With Northland receiving reasonable rainfall in May, the council's drought response work has markedly reduced. However, much more rain is still required to make up for the large rainfall deficit that had built-up in the preceding 18 months.

There has been a delay in mapping of the current developed areas of marine farms due to a delay in new imagery and staff resource being diverted away from mapping to undertake field work. Approximately 40% of the work has now been completed. Compliance status letters will be sent to all farmers on completion.

Staff have held a teleconference with New Zealand Oyster Industry Association representatives regarding the need for better communication of the status of the fidelity fund (industry-led bond alternative) for remediation of abandoned/derelict marine farms.

Recommended Actions | Ngā mahi tūtohutia

Nil - for information purposes only

Background | Tuhinga

None required

Attachments | Ngā tapirihanga

Nil

Authorised by Group Manager

Name: Colin Dall

Title: Group Manager - Regulatory Services

Date: 17 June 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.

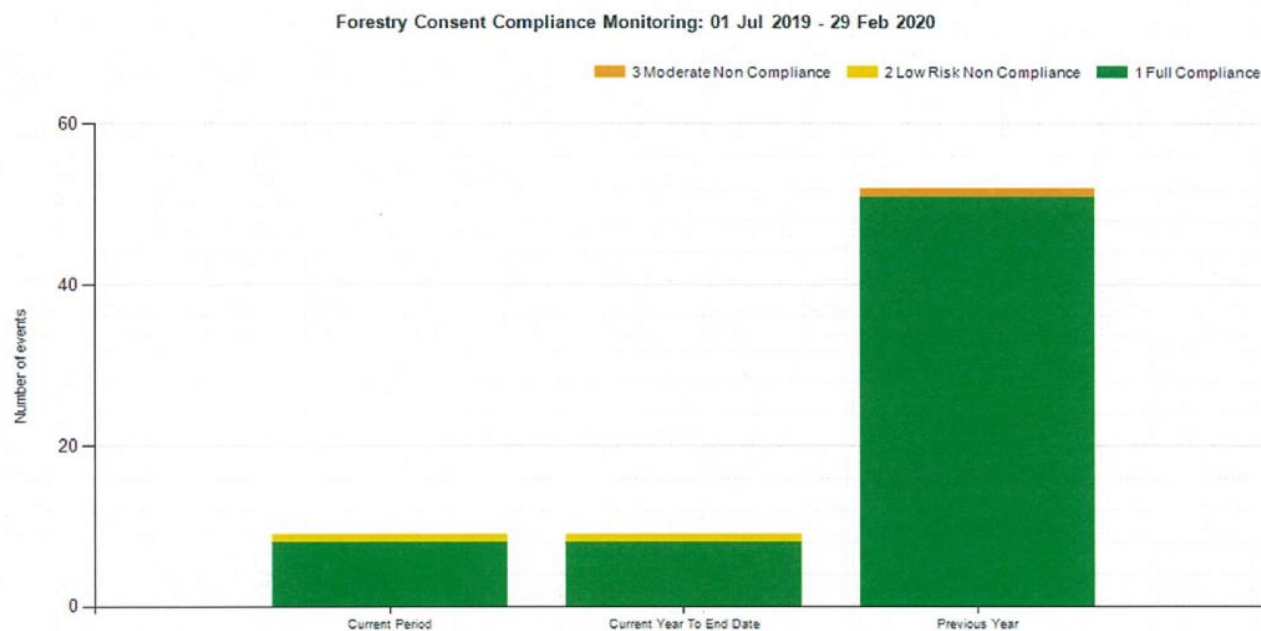


Figure 1: Consent compliance monitoring



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.

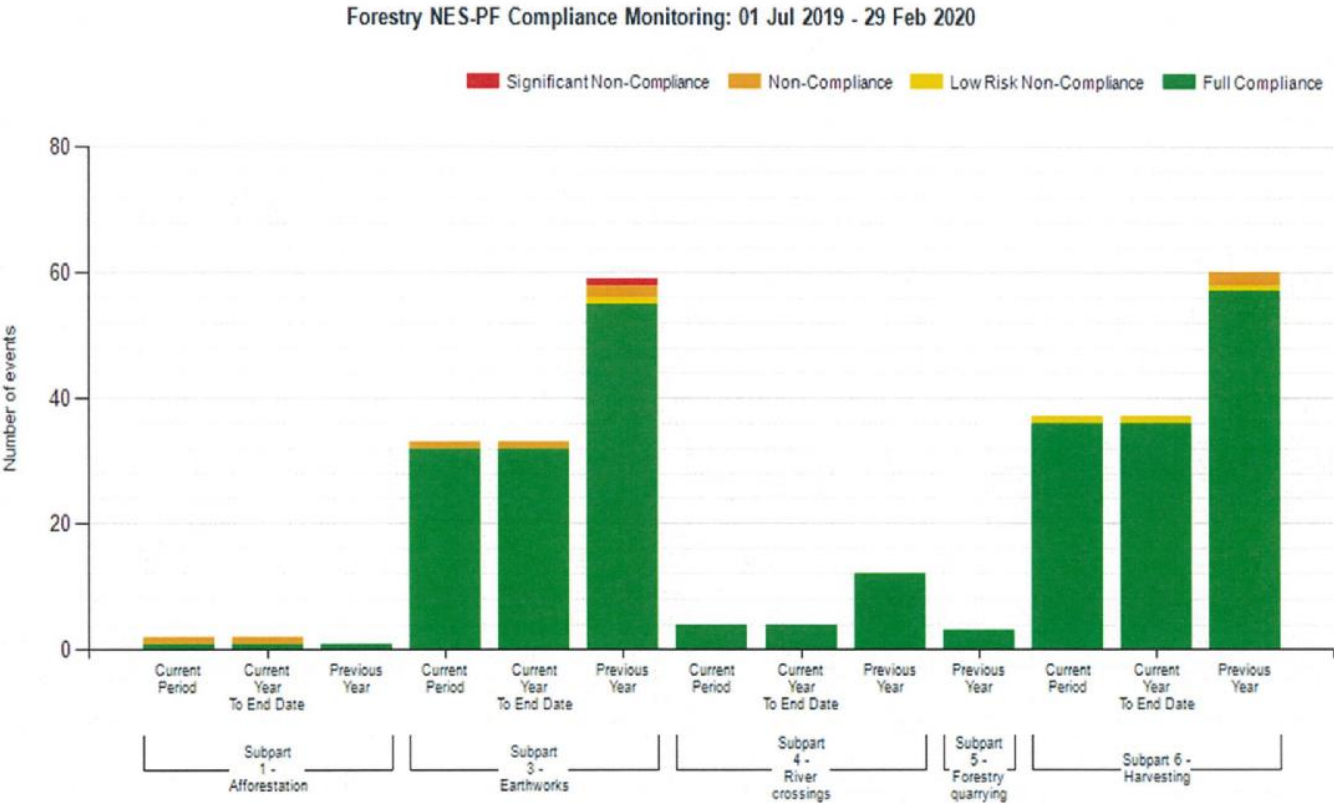


Figure 2: NES-PF compliance monitoring



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

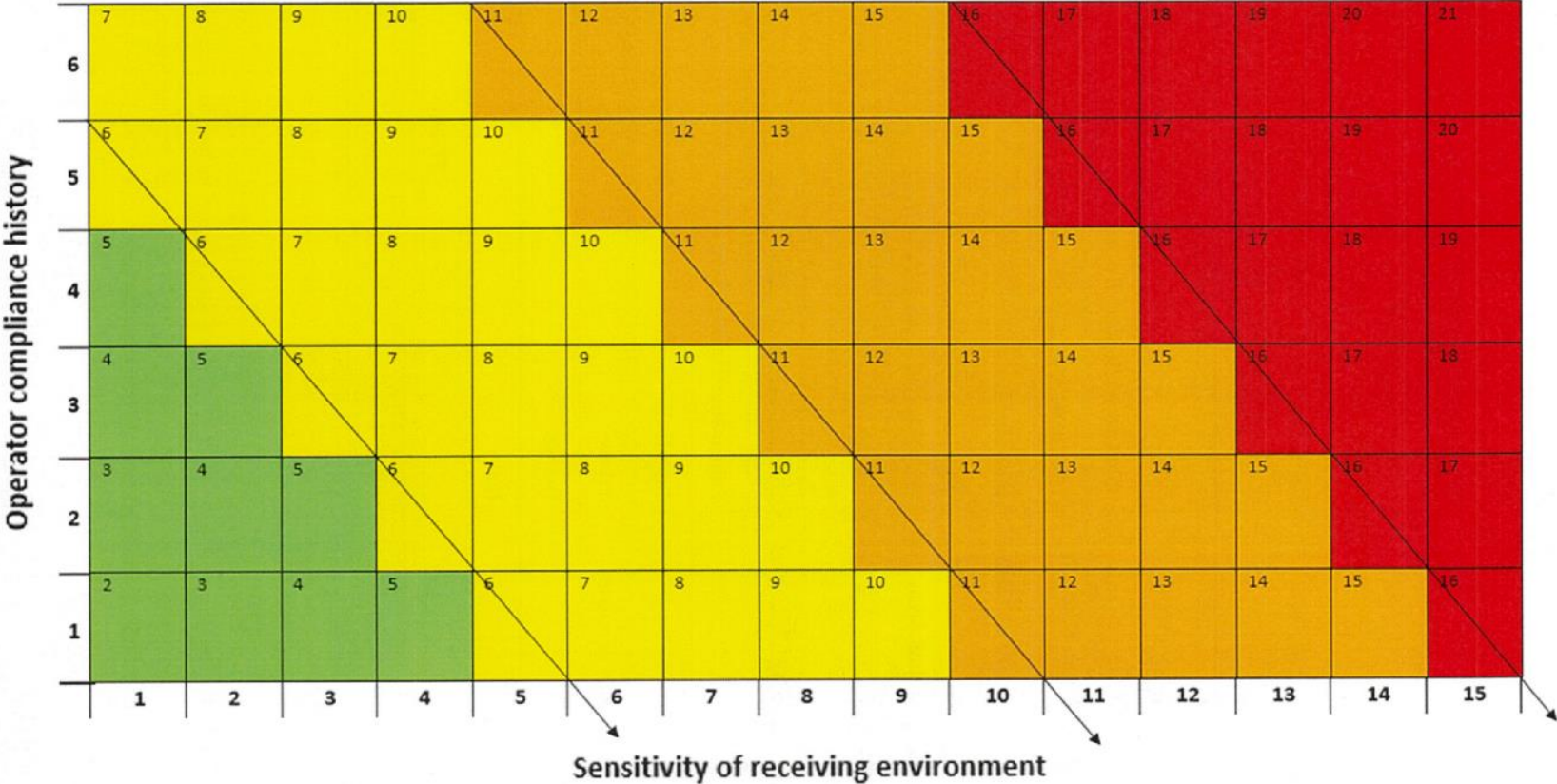
Harvest area	Less than 20ha		1
	20ha – 70ha		2
	More than 70ha		3
Stream (within or bordering harvest boundary)	N/A		0
	Ephemeral		1
	Perennial < 3m		2
	Perennial > 3m		4
Outstanding freshwater body	N/A		0
	Outstanding freshwater body within 100m of harvest boundary		2
	Outstanding freshwater body inside 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: Planning & Policy Work Programme

ID: A1322611

From: Ben Lee, Strategic Policy and Planning Manager

Executive Summary | Whakarāpopototanga

The following table sets out the work programme for the Planning and Policy team¹ for the next three years. It only includes work relevant to the Planning and Regulatory Working Party's terms of reference.

Activity	Detail	When
Coastal occupation charging	Develop regime options for further council direction on whether to proceed releasing a discussion document for public feedback	23 June 2020 – Council workshop
Marine protected areas	Progressing Mimiwhangata proposal with Ngātiwai. Working through appeals on Proposed Regional Plan seeking additional fishing controls	TBC
Wetland mapping	Mapping project to clearly define wetlands and provide certainty about where wetland rules apply. MFE put out an RFP for piloting a wetland mapping methodology (6-month project). Hopeful Northland will be the pilot region.	MFE RFP deadline 1 June 2020. Contract start date - mid July 2020
Freshwater quality management plan change	A plan change to set freshwater quality objectives, limits and regulation to ensure the objectives are achieved and limits are met. Required to give effect to the Freshwater NPS	Notify 2021 – separate agenda item provides progress detail.
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	Refer separate item.	Refer separate item.
District plan changes and consents	The planning team provide feedback and make submissions on changes to district plans and major consent applications. The main reasons are to ensure the RPS is being given effect and ensure council operations (eg. flood management) are not unduly regulated.	Ongoing

¹ Only includes activities within the Planning and Regulatory Working Party's areas of interest. For example, it does not include transport planning (which Planning and Policy staff are assisting with).

Activity	Detail	When
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 (eg. proposed NPS for biodiversity)	Lead council input into national proposals (eg. 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-late 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 Māori 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.	Start 2021

Recommended Actions | Ngā mahi tūtohutia

- Nil – presented for information purposes only
-

Background | Tuhiinga

Not applicable.

Attachments | Ngā tapirihanga

Nil

Authorised by Group Manager

Name: Jonathan Gibbard
Title: Group Manager - Strategy, Governance and Engagement
Date: 17 June 2020

TITLE: Proposed amendments to National Environmental Standards for Air Quality submission

ID: A1322643

From: Michael Payne, Policy Specialist

Executive Summary | Whakarāpopototanga

The Ministry for the Environment is seeking feedback on proposed amendments to National Environmental Standards for Air Quality. This paper provides an overview of the proposed amendments. A draft submission will be circulated for the Working Party's consideration ahead of the 24 June meeting.

Recommended Actions | Ngā mahi tūtohutia

1. That the report be received.

Background | Tuhinga

The Government is seeking feedback on its proposed amendments to some provisions of the National Environmental Standards for Air Quality. The aim of the amendments is to better control the release of fine particles into our air.

The proposed amendments also include controls on mercury emissions. These amendments are intended to help meet New Zealand's obligations under the Minamata Convention on Mercury.

Particulate matter

Particulate matter (PM) is a collective term for solid and liquid particles suspended in the air and small enough to be inhaled. PM varies greatly in structure and chemical composition, depending on where it comes from. It also varies in the harm it can cause.

PM comes from human activities and natural sources. It is often classified according to its size because size determines how PM interacts with the environment and human body.

- PM10 has a diameter of 10 micrometres (µm) or less.
- PM2.5 has a diameter of less than 2.5 µm and is a subset of the PM10 range.

Exposure to particulate matter can cause disease and premature death from respiratory and cardiovascular causes, cause lung cancer, and exacerbate asthma and emphysema. These fine particles are mainly created by human activities.

Research shows that particles in the air smaller than 2.5 micrometres in diameter (PM2.5) are more hazardous to people's health than coarse, larger particles (particles in the PM2.5-10 range) (World Health Organization, 2013). In New Zealand, the main source of PM2.5 is burning wood and coal for home heating during winter.

The key changes proposed for the NES for particulate matter are:

- introducing PM2.5 as the primary regulatory tool to manage ambient particulate matter and establish both a daily and an annual standard for PM2.5 (fine particulate matter)
- retaining the PM10 standard for managing potential issues for coarse particulates.
- an air shed would be considered "polluted" if it exceeds a specified PM2.5 threshold. This is currently determined based on a PM10 threshold.

- All new domestic solid-fuel burners (fireplaces etc) installed on properties less than 2 hectares will need to meet a stricter emissions standard. All burners that are currently on the market are already designed to meet the new standard.

Mercury emissions

New Zealand signed the Minamata Convention on Mercury in 2013, but has not yet ratified it. To address the obligations under Articles 5(6) and 8 of the Convention, and take one of the steps to ratify the Convention, we propose two amendments to the NESAQ:

- Prohibit the use of mercury in certain, listed processes. These have not been carried out in New Zealand, and they are not likely to be as technology has improved, removing the need for mercury.
- New activities involving emissions of mercury to air are required to obtain resource consent. The intention is for councils to consider the need to apply international best practice guidance to manage the emission of mercury to air.

Attachments | Ngā tapirihanga

Nil

Authorised by Group Manager

Name: Jonathan Gibbard
Title: Group Manager - Strategy, Governance and Engagement
Date: 17 June 2020

TITLE: Update on Water Quality Plan Change

ID: A1322615

From: Ben Lee, Strategic Policy and Planning Manager

Executive Summary | Whakarāpopototanga

An item providing an overview of the plan change was presented to the April 2020 Planning and Regulatory Working Party (the Working Party). This item provides an update on progress, including:

- discussions with MTAG on a proposal for engaging with tangata whenua on the plan change
- modelling of water quality
- the impact of Government's freshwater package announcement

Recommended Actions | Ngā mahi tūtohutia

None

Background | Tuhiinga

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.

An item providing an overview of the plan change, the project plan, and engagement plan was presented to the April 2020 Working Party meeting. This item provides an update.

Tangata whenua engagement

At the April 2020 meeting, the Working Party endorsed seeking TTMAC feedback on how best to engage with Māori in the plan change development. The Māori Technical Advisory Group (a subset of resource management technicians from TTMAC) have prepared a proposal which will be presented to the next (July) TTMAC meeting for endorsement (Attachment 1). The proposal is based on the formation of an expert "Tangata Whenua Freshwater Advisory Group" as the primary means for tangata whenua input into the plan change.

Also to be discussed at the next TTMAC meeting is TTMAC's direction on tangata whenua involvement in governance for the development of the plan change. It is anticipated the recommendation will be to endorse having three Māori members of TTMAC sitting alongside councillors in the development of the plan change. (This was the same approach adopted for the development of the Proposed Regional Plan).

Assuming TTMAC agree to endorse the setting up of the "Tangata Whenua Freshwater Advisory Group" and confirm an approach for tangata whenua in governance for the development of the plan change, the next step will be to take these proposals to the July 2020 council meeting for approval.

Modelling

NIWA and Land & Water Science have been separately commissioned to undertake modelling of the current state of Northland's water quality of rivers. They have different approaches to the modelling, but they both take the water quality monitoring data and extrapolate it out to provide a regional picture of the current river water quality.

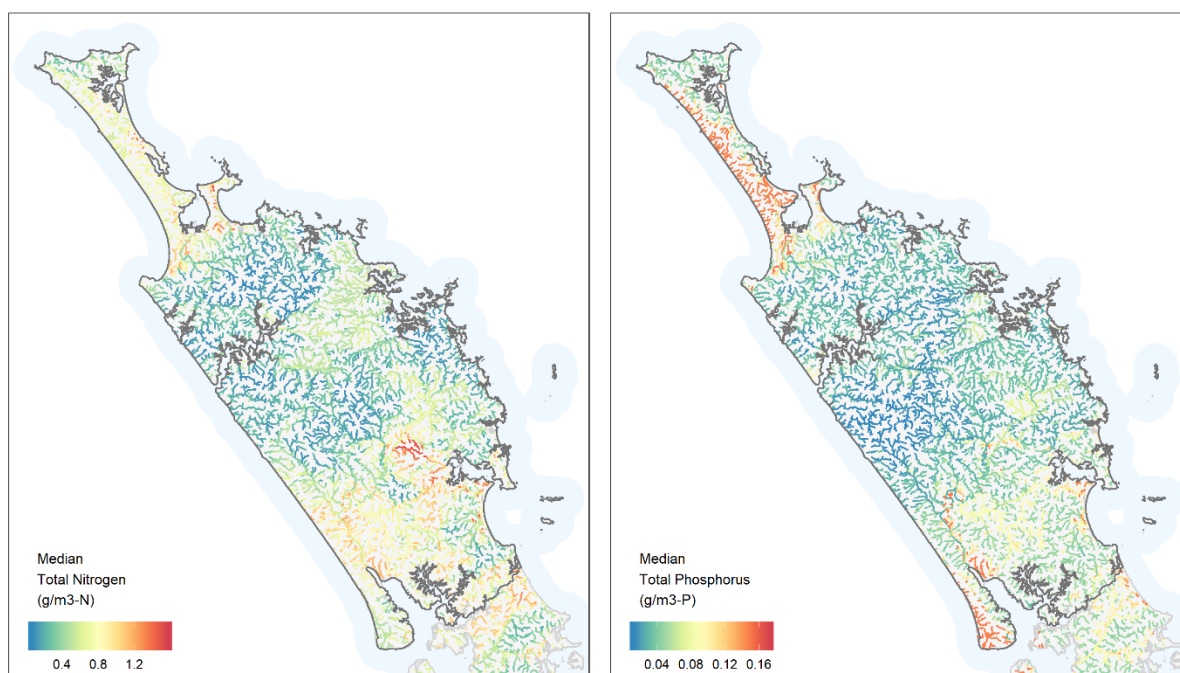
The modelling outputs will provide the starting point for determining the outcomes we ultimately want to achieve, and the extent of the interventions needed to meet those outcomes.

There were a few reasons why we commissioned two different modelling approaches, but the main reason from the water quality plan change perspective is that there are limitations with modelling, and we are hopeful we will be able to use the best outputs from each model to give a more accurate picture of the current water quality state.

NIWA have provided the outputs of their modelling and Land & Water Science outputs are due late July.

NIWA's modelling assessed 19 water quality variables. The modelling performed well for 10 of these variables – modelled predictions vs observed data. For the other nine variables the performance was not so good – particularly for dissolved oxygen and E. coli.

The outputs of NIWA's modelling is a series of maps for each water quality variable – the following is an example:



Land & Water Science's modelling uses a different approach to NIWA.

NIWA have also been commissioned to model mitigation scenarios. Put simply, they will run packages of mitigations in the model (eg. stock exclusion, wetland restoration and planting of highly erodible land) and estimate how much water quality will be improved by the mitigation packages. This will assist in setting objectives and limits and understanding the effectiveness of mitigations.

Mitigation packages will be developed using feedback from engagement with tangata whenua and stakeholders.

Government's freshwater announcements

On 28 May 2020 Government released some of the details about the upcoming changes to the National Policy Statement for Freshwater Management (NPS-FM) and associated regulation. There was no detail on when the updates to the NPS-FM and associated regulation will be released other than "later this year".


Understanding the detail of the NPS-FM and associated regulation is important before assessing potential objectives, limits and mitigations, as it will determine the benchmark.

Next steps

- Seek TTMAC endorsement of proposals for tangata whenua engagement and involvement in governance for the development of the plan change – 9 July 2020

- Seek Council approval (21 July 2020) for:
 - Engagement plan (including tangata whenua engagement)
 - Tangata whenua involvement in governance for the development of the plan change
- Set up stakeholder engagement group(s) and the Tangata Whenua Freshwater Advisory Group – August/September 2020
- Updated NPS-FM and associated regulation released – August/September 2020?
- Work with stakeholder engagement group(s) and the Tangata Whenua Freshwater Advisory Group to develop potential objectives, limits and mitigation packages - September 2020 +

Attachments | Ngā tapirihanga

Attachment 1: Proposed Maori engagement approach - Water quality plan change [↓](#) 

Authorised by Group Manager

Name: Jonathan Gibbard

Title: Group Manager - Strategy, Governance and Engagement

Date: 17 June 2020

Proposed Māori engagement approach: Water quality plan change

<i>Version</i>	<i>Date</i>	<i>Purpose</i>
1	7 May 2020	Initial draft for review by Juliane
2	12 May 2020	Draft for MTAG
3	26 May 2020	Updated post MTAG meeting
4	28 May 2020	Further update
5	29 May 2020	Update in response to Juliane C comments
6	5 June 2020	Updated post MTAG meeting for TTMAC endorsement

Scope

This document sets out the proposed approach for Māori engagement on the water quality plan change. It covers the period up until the plan change is notified for public submissions.

This document does not address

- Governance arrangements (these are the subject of separate discussions between Council and TTMAC).
- How the plan change will be implemented, e.g. monitoring and enforcement of rules and consents.

Background

The Northland Regional Council (NRC) is required to undertake a plan change to implement the water quality requirements of the National Policy Statement for Freshwater Management 2017².

NRC are aiming to formally notify the plan change for submissions in late 2021.

Proposed Māori engagement approach

Tangata Whenua Water Advisory Group

MTAG propose setting up a “Tangata Whenua Water Advisory Group” (name TBC). The group will be the main vehicle for providing tangata whenua-led analysis, feedback and advice on the development of the plan change.

The group to be set up as follows:

- A panui to all Māori contacts will be sent seeking nominations for membership on the group.
- TTMAC to appoint a selection panel consisting of four TTMAC members (two councillors and two Māori members).
- The selection panel to select members by assessing nominations against the criteria in Appendix one.

² Government will be releasing a new version in a few month’s time. It will continue to require council to do a plan change, but there are likely to be some changes to the details of what must be included in the plan change.

The TW water advisory group members will be eligible for payments related to council approved meeting attendance and mileage in accordance with the councils 'Appointed Members Allowance Policy'. Payments will include:

- Meeting allowance for meetings of TW
- Mileage (one claim per vehicle)
- Attendance at other working parties, as endorsed by council.

The NRC to allocate a \$20k budget to the TW water advisory group to commission advice³.

It is anticipated the group will meet 6 to 10 times starting in September 2020 through to mid 2021.

Development of Wai Māori assessment framework

An initial focus of the TW water advisory group will be to identify a framework to assess the likely consequences (impacts) on tangata whenua values⁴. The framework will seek to identify:

- key tangata whenua values in fresh water;
- evaluation criteria to assess the impacts of management scenarios on the values; and
- any associated indicators to ensure the future impacts on these values can be observed.

³ This is in addition to the meeting payments.

⁴ Framework examples:

- [Keir Volkerling. April 2015. Northland Tangata Whenua Freshwater Values: A Literature Review. Prepared for Northland Regional Council, Ministry for Primary Industries and Ministry for the Environment. See <https://www.nrc.govt.nz/media/9468/northlandtangatawhenuafreshwatervaluesaliteratureview.pdf>](https://www.nrc.govt.nz/media/9468/northlandtangatawhenuafreshwatervaluesaliteratureview.pdf)
- [Keir Volkerling. August 2015. Northland Tangata Whenua Freshwater Values: A Framework to Guide Decision-Making. Prepared for Northland Regional Council, Ministry for Primary Industries and Ministry for the Environment. See <https://www.nrc.govt.nz/media/9467/northlandtangatawhenuafreshwatervaluesaframeworktoguidedecisionmaking.pdf>](https://www.nrc.govt.nz/media/9467/northlandtangatawhenuafreshwatervaluesaframeworktoguidedecisionmaking.pdf)
- A recent report by Perception Planning Ltd and Manaaki Whenua – Landcare Research: See <https://www.nrc.govt.nz/media/13642/kaupapa-maori-assessments-final-jan-2019.pdf>

Appendix 1:

Individual membership criteria (desired)

- Tangata whenua (whakapapa to Te Taitokerau)
- Freshwater kaitiaki knowledge and/or experience
- An understanding of Te Ao Māori (the Māori world view)
- Knowledge of the Treaty of Waitangi and He Whakaputanga (Declaration of Independence, 1835)

Collective membership criteria (desired)

The group may consist of up to 12 freshwater kaitiaki experts allowing for a diverse range of knowledge/experience whilst ensuring agile decision making is achievable.

Many of the issues that need to be addressed to improve water quality are challenging – technically, legally, economically, socially and culturally. To ensure the group, as a collective, possess the breadth of knowledge and experience needed to consider these challenges and fulfil its purpose, the below criteria will be applied prior to final selection. The final group makeup should allow for:

- Diverse representation of member gender and age
- Balanced geographical affiliation/connections across Te Taitokerau
- A mix of people who have practical experience gained at a national, iwi, hapū, and/or whanau level
- At least one person with legal and/or policy background
- At least three people with on-the-ground freshwater kaitiaki experience
- At least two people with experience in Māori land management
- At least one person should have project management experience
- At least 50% of the working group are competent with Te Reo me ona tikanga / kawa o Taitokerau (competence in Te Reo and Māori processes in Northland)

TITLE: Regional Plan Appeals
ID: A1322617
From: Michael Day, Natural Resources Policy Manager

Executive Summary | Whakarāpopototanga

Overview

There are 23 appeals (to the Environment Court) against the council's decision on the Proposed Regional Plan for Northland (Proposed Plan). Most of the appellants have appealed multiple provisions of the Proposed Plan. Through face-to-face mediation (and subsequent negotiations), the parties have managed to reach agreement on the majority of appeal points (approximately 75% of the appealed provisions have now been agreed between the parties), with the balance remaining unresolved.

During May, the presiding Judge approved 14 "consent orders" and these have now been received by council. A consent order is an Environment Court order that endorses agreements reached by appellants and s274 parties during mediation and any subsequent negotiations on appeals to a plan.

Each consent order contains the specific provisions (in each topic) that have been agreed between the parties. When a consent order contains rules, these rules must now be treated as operative (and any previous rule as inoperative).

The consent orders are available to view here: <https://www.nrc.govt.nz/newregionalplan>

Next Steps

- For those topics/sub-topics where provisions have been agreed, draft and file additional consent orders.
- For those provisions that remain unresolved, attempt to negotiate suitable mediated outcomes.
- Mediation on the appeals relating to requests for new maps/provisions relating to marine protection/restrictions on fishing activities is set down for two days during the first week in August.

Hearings

To date, two sub-topics have been formally set down for hearings:

- Fumigation is set down for the week starting 20 July 2020.
- Mangroves is set down for the week starting 10 August 2020.

It is highly likely that other sub-topics will need to be set down for hearings, which will most likely be towards the end of this year.

Attached to this paper is the latest update to Court, relating to progress on resolving all appeals.

Recommended Actions | Ngā mahi tūtohutia

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

Background | Tuhinga

Not applicable.

Attachments/Ngā tapirihanga

Attachment 1: Memorandum of Council Reporting on Progress [↓](#) 

Authorised by Group Manager

Name: Jonathan Gibbard

Title: Group Manager - Strategy, Governance and Engagement

Date:

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

**I MUA I TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKĀURAU ROHE**

UNDER the Resource Management Act 1991

IN THE MATTER of appeals under Clause 14 of Schedule 1 of the Act

BETWEEN **HANCOCK FOREST MANAGEMENT NZ LIMITED**
(ENV-2019-AKL-000096)

TRANSPower NEW ZEALAND LIMITED
(ENV-2019-AKL-000107)

**THE NATIONAL INSTITUTE OF WATER AND
ATMOSPHERIC RESEARCH LIMITED**
(ENV-2019-AKL-000108)

MLP LLC
(ENV-2019-AKL-000109)

(Continued next page)

**MEMORANDUM OF COUNSEL FOR NORTHLAND REGIONAL COUNCIL
REPORTING ON PROGRESS**

12 June 2020

Respondent's Solicitor
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Tel +64 9 300 2600
Fax +64 9 300 2609

Solicitor: M J Doesburg

WYNNWILLIAMS

MANGAWHAI HARBOUR RESTORATION SOCIETY
(ENV-2019-AKL-000110)

CEP SERVICES MATAUWHI LIMITED
(ENV-2019-AKL-000111)

**MATAKA RESIDENTS ASSOCIATION
INCORPORATED**
(ENV-2019-AKL-000112)

PAROA BAY STATION LIMITED
(ENV-2019-AKL-000113)

FEDERATED FARMERS OF NEW ZEALAND
(ENV-2019-AKL-000114)

ROBINA INVESTMENTS LIMITED
(ENV-2019-AKL-000115)

HORTICULTURE NEW ZEALAND
(ENV-2019-AKL-000116)

BAY OF ISLANDS MARITIME PARK INCORPORATED
(ENV-2019-AKL-000117)

YACHTING NEW ZEALAND INCORPORATED
(ENV-2019-AKL-000118)

THE OIL COMPANIES
(ENV-2019-AKL-000119)

NORTHLAND FISH AND GAME COUNCIL
(ENV-2019-AKL-000120)

THE NEW ZEALAND REFINING COMPANY LIMITED
(ENV-2019-AKL-000121)

MINISTER OF CONSERVATION
(ENV-2019-AKL-000122)

NORTHPOWER LIMITED
(ENV-2019-AKL-000123)

AQUACULTURE NEW ZEALAND
(ENV-2019-AKL-000124)

TOP ENERGY LIMITED
(ENV-2019-AKL-000125)

**PUBLIC AND POPULATION HEALTH UNIT OF THE
NORTHLAND DISTRICT HEALTH BOARD**
(ENV-2019-AKL-000126)

**ROYAL FOREST AND BIRD PROTECTION SOCIETY
OF NEW ZEALAND INCORPORATED**
(ENV-2019-AKL-000127)

LOURIE
(ENV-2019-AKL-000128)

**WHANGAREI DISTRICT COUNCIL AND FAR NORTH
DISTRICT COUNCIL**
(ENV-2019-AKL-000177)

Appellants

AND

NORTHLAND REGIONAL COUNCIL

Respondent

MAY IT PLEASE THE COURT

- 1 By email on 8 June 2020, the Registry requested an update as to the progress of appeals relating to the Proposed Regional Plan for Northland. The request encouraged a format that identifies:
 - (a) topics that have been resolved;
 - (b) topics likely to resolve; and
 - (c) topics not resolved.
- 2 The request encouraged a substantive approach with regard to the topics.
- 3 This memorandum was prepared for Northland Regional Council. A draft was provided to the parties and their input has been incorporated.
- 4 The memorandum summarises progress by topic, as requested. It also includes, at **Appendix 1**, a summary table with a detailed breakdown of the provisions subject to outstanding appeal points and an estimate of the likelihood of resolution. The table follows the same structure as tables in previous reporting memoranda, but includes a colour coding system to enable easy identification of points that are resolved, are likely to be resolved, may be resolved or are not resolved and are highly likely to require hearing.

Summary of progress

- 5 While COVID-19 restrictions have slowed progress, the parties have continued to pursue resolution of outstanding appeal points. Some further appeal points have been resolved and others have moved closer to resolution. Some appeal points are likely to require a hearing to achieve resolution. A summary by topic is provided below.

Topics resolved

- 6 Two topics have been resolved in their entirety:
 - (a) **Topic 12 – Natural hazards:** this topic was resolved by consent order dated 20 May 2020.
 - (b) **Topic 13 – Cultural:** this topic was resolved following mediation. The appellant, Federated Farmers of New Zealand confirmed it would not pursue its appeal points, but has not yet formally withdrawn those aspects of its appeal.

Topics likely to resolve

- 7 Three topics are likely to be resolved without requiring a hearing. These topics are identified in Appendix 1 as having provisions that are resolved (but not yet subject to consent orders), or where engagement between the parties is continuing but resolution is expected:
- (a) **Topic 2 – Activities in beds of lakes and rivers:** two of the three sub-topics are resolved in full and only two rules are outstanding in the remaining sub-topic.
 - (b) **Topic 6 – Damming and diversion of water:** one sub-topic (damming and diverting water) has been resolved in full by consent order dated 20 May 2020. Two rules remain unresolved for the other subtopic (land drainage and flood control), but resolution is expected.
 - (c) **Topic 10 – Infrastructure and energy:** appeals against one policy and a proposal to introduce a new policy remain unresolved, but resolution is expected.

Topics not resolved

- 8 The remaining ten topics are not resolved. Some topics have provisions that may be resolved, but may require hearing. Other topics have provisions that are being case managed to hearing or are highly likely to require hearing:
- (a) **Topic 1 – Coastal activities:** this topic contains most of the regional coastal plan for Northland (mangrove provisions and fishing/marine protected area controls are in topics 15 and 14 respectively). Two sub-topics (Aquaculture and Dredging, disturbance and disposal) contain provisions that may be resolved, but may require hearing. One sub-topic (Coastal general conditions) includes provisions that are included with Topic 15 – Mangrove removal, which is set down for hearing. A substantial number of provisions in Topic 1 are unresolved, pending resolution of appeals relating to mapping of Significant Ecological Areas, Significant Bird Areas, Natural Character and Outstanding Natural Landscapes. Resolution of mapping issues (addressed in Topic 11 – Biodiversity and outstanding natural features / landscapes) is expected to drive resolution of those outstanding Topic 1 provisions.

- (b) **Topic 3 – Allocation and use of water:** Four rules remain unresolved. For two rules resolution is expected. For the others (C.5.1.13 and C.5.1.14) some appeal points in relation to those rules have been resolved by agreement and consent documents will be filed in due course. The remaining appeal points relating to those rules were subject to a pre-hearing conference on 12 March 2020 where directions were discussed for timetabling to hearing, based on a sequential evidence exchange. The matter was to be made ready for a hearing in the week 20 July, however, due to COVID-19, written directions were not issued and that hearing week has been allocated in part to hearing Topic 8 – Air discharges. The appeals against rules C.5.1.13 and C.5.1.14 are linked to the appeal against Policy D.4.12 (in Topic 4 – Water quality) – the parties propose that those provisions are case managed together. As detailed below, the parties propose to report on 26 June 2020 with a proposed evidence exchange timetable to bring these issues to hearing.
- (c) **Topic 4 – Water quantity:** One policy and the allocation methodology for the levels of lakes and natural wetlands are unresolved. The policy is linked to rules C.5.1.13 and C.5.1.14 in Topic 3 and, as proposed above, those provisions should be case managed together. The allocation methodology for the levels of lakes and natural wetlands (H.4.2) is likely to require a hearing later in the year, which may sensibly be heard in the same week as the hearing for Topic 5 – Water quality.
- (d) **Topic 5 – Water quality:** One policy and the water quality guidelines and standards (H.3.1 – H.3.4) are unresolved and are likely to require a hearing. This topic was subject to a pre-hearing conference on 12 March 2020, where a timetable was discussed pending confirmation of whether an amended National Policy Statement on Freshwater Management would be Gazetted. It has recently been announced that an amended National Policy Statement on Freshwater Management, National Environmental Standard and regulations will be released in July to take effect in August. The Council proposes that timetabling directions are not made until after July, so that the impact of the new documents on the appeals can be considered. The Council proposes to liaise with parties and report to the Court by 31 July 2020, on an evidence

exchange timetable for this matter (which relates to H.3.1 – H.3.4) and the matter of allocation methodology for the levels of lakes and natural wetlands (H.4.2).

- (e) **Topic 7 – Discharges to land and water:** Five rules remain unresolved, but one is agreed in principle, three are likely to be resolved and one (relating to farm wastewater discharges to water) may be resolved but may require hearing.
- (f) **Topic 8 – Discharges to air and agrichemicals:** One rule is outstanding in relation to discharges to air, which is set down for hearing beginning 20 July 2020. Two rules remain outstanding in relation to agrichemicals, but are expected to be resolved.
- (g) **Topic 9 – Land use and disturbance activities:** Eight rules remain unresolved. Three are expected to be resolved, four (relating to livestock exclusion from water bodies) may be resolved but may require hearing and one (relating to land preparation) is likely to require hearing. Topic 9 was subject to a pre-hearing conference on 12 March 2020, where timetabling directions were discussed as well as a proposal to establish a new topic for livestock exclusion, on the basis that a resolution was probably in relation to livestock exclusion, if more time could be given for discussion. That remains the situation. The other land preparation provision (C.8.2.1) was subject to the pre-hearing conference on 12 March 2020 where directions were discussed for timetabling to hearing, based on a sequential evidence exchange. The matter was to be made ready for a hearing in the week 20 July, however, due to COVID-19, written directions were not issued and that hearing week has been allocated in part to hearing Topic 8 – Air discharges. As detailed below, the parties propose to report on 26 June 2020 with a proposed evidence exchange timetable to bring these issues to hearing.
- (h) **Topic 11 – Biodiversity and outstanding natural features / landscapes:** a number of issues are unresolved and may require hearing. This includes proposals to add or delete mapped significant areas, such as Significant Ecological Areas, Significant Bird Areas, Outstanding Natural Features and Outstanding Natural Landscapes. In relation to Outstanding Natural Landscapes, the

parties propose to apply for an order from the Court under section 293. The application is likely to be filed in late June or early July 2020.

- (i) **Topic 14 – General provisions and plan structure:** much of Topic 14 remains unresolved, but it is expected that resolution will be achieved, other than for the request for new provisions and mapping relating to protection of certain marine areas. The marine protected area appeals are to be subject to two days of Court-assisted mediation in early August and pre-mediation directions have been made by Commissioner Leijnen.
- (j) **Topic 15 – Mangrove removal:** this topic is set down for hearing beginning 10 August 2020 and pre-hearing steps are underway.

Way forward

9 In terms of the way forward, the Council proposes that:

- (a) for “topics that are likely to resolve”, the Council provides a further report on progress by 31 July 2020. The report should also address provisions in “topics that are not resolved” that have been identified as likely or possibly able to be resolved;
- (b) for “topics that are not resolved”, the Council confers with the parties and files a memorandum by 26 June 2020 addressing a sequence for hearing those topics, an estimate of hearing time required and timetabling matters; and
- (c) for Topic 5 – Water quality and the part of Topic 4 – Water quantity that relates to allocation methodology for the levels of lakes and natural wetlands, the Council confers with the parties and files a memorandum by 31 July 2020 to provide an estimate of hearing time required and timetabling matters (that takes into account the amended National Policy Statement for Freshwater Management, National Environmental Standard and regulations).

10 The Council respectfully requests directions accordingly.

DATED this 12th day of June 2020



M J Doesburg

Counsel for Northland Regional Council

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Appendix 1: June 2020 breakdown of progress regarding resolving appeals on the Proposed Plan (excluding GE/GMOs)

Key:

Green = resolved

Yellow = confident of resolution outside of Court

Pink = possibility of resolution outside of Court, but a hearing may be required

Red = provisions being case-managed towards hearings or very high likelihood of a hearing being required

Topic	Sub-topic	Agreed/Resolved (%)	Unresolved Provisions	Comment
Topic 1 Coastal activities	<i>Coastal objective</i>	100% (1 of 1)	None	The objective has been agreed and is included in draft consent documents that have been prepared but not filed for the general coastal policies and coastal structures subtopic (see the immediately below row).
	<i>General coastal policies and general structure rules, including relevant definitions</i> <i>Includes Marsden Point Port Zone map layer</i>	100% of policies (7 of 7) 17 of 21 rules	4 rules and Marsden Point Port Zone (mapping) appeal. Rules C.1.1.6, C.1.1.21, C.1.1.22, C.1.1.27	Draft consent documents have been prepared but not filed for the policies, rules and related definitions that have been resolved. Resolution of the outstanding rules is dependent on outcome of additional SEA/SBA/ONL mapping (addressed in Topic 11 below). The appeal to expand the Marden Point Port Zone may rely on the outcome of other 'significant' area mapping outputs (addressed in Topic 11 below).
	<i>Moorings and anchorage and marinas</i>	Approximately 50% of rules within topic	Policy D.5.11 Rules C.1.2.1, C.1.2.2 C.1.2.5, C.1.2.6 and C.1.2.13 Maps - Regionally significant anchorages, Marine pollution limits and Enclosed waters	Consent orders issued on 20 May and 8 June for resolved provisions. Most outstanding provisions are close to resolution; however, many rely on the outcome of SEA/SBA/ONL mapping appeals (addressed in Topic 11 below).

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Topic	Sub-topic	Agreed/Resolved (%)	Unresolved Provisions	Comment
	<i>Aquaculture (Policies, rules and maps)</i>	40% of policies (3 of 7) Policy D.5.5 Aquaculture – general matters Policy D.5.6 Aquaculture – staged development Policy D.5.7 Aquaculture – abandoned or derelict structures 3 of 13 rules: Rule C.1.3.5 Re-consenting finfish aquaculture – discretionary activity Rule C.1.3.7 New aquaculture in an authorised area – discretionary activity Rule C.1.3.13 Aquaculture in a Significant Ecological Area in the Kaipara Harbour – non-complying activity	4 policies and the majority of rules remain unresolved.	Agreement has been reached on Aquaculture NZ's appeal points, however, draft consent documents have not been prepared as there are other appeal points relating to the same provisions. Discussions are ongoing between parties to attempt to resolve the outstanding policies and rules. While it is expected that some provisions will be resolved or issues narrowed through such discussions, some aspects may need to be set down for hearing. Resolution of many outstanding provisions relies on the outcome of SEA /ONL mapping appeals (addressed in Topic 11 below).
	<i>Dredging, disturbance and disposal – Policies and rules</i>	50% of policies (1 of 2) 6 of 13 rules	Rules C.1.5.1, C.1.5.3, C.1.5.5, C.1.5.7, C.1.5.11, C.1.5.12, C.1.5.12A, C.1.5.14 and Policy D.5.24 remain unresolved.	Consent order issued on 20 May for resolved provisions. Resolution of the policy (D.5.24) and most rules is dependent on outcome of additional SEA/SBA/ONL mapping (addressed in Topic 11 below). The exception is Rule C.1.5.1, relating to the use of vehicles on beaches. While the Council is hopeful that this can be resolved without hearing through ongoing discussions, it may need to be set down for hearing.
	<i>Reclamations – policies and rules</i>	100% of policies (2 of 2)	The two unresolved rules (C.1.6.3 and C.1.6.4) rely on	Consent order issued on 20 May for resolved provisions.

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Topic	Sub-topic	Agreed/Resolved (%)	Unresolved Provisions	Comment
		60% of rules (3 of 5)	outcome of SEA/ONL mapping.	Resolution of the outstanding rules rely on outcome of SEA/ONL mapping (addressed in Topic 11 below).
	<i>Marine pest rules</i>	100% (5 of 5) of notified rules.	A (new) permitted activity rule remains unresolved.	Consent order issued on 20 May for resolved provisions. An appeal point seeking a new rule remains unresolved, but is expected to be able to be resolved.
	<i>Coastal general conditions</i>	4 of 5 appeals	General conditions associated with mangrove removal C.1.8(14)-(20). C.1.8(8).	Resolved appeal points to be included in consent documents, which have not yet been drafted. Discussions are ongoing on the appeal against C.1.8(8), but resolution is expected. The mangrove related coastal general condition appeals have been transferred into the Mangrove Removal topic (Topic 15).
Topic 2 Activities in beds of lakes and rivers	<i>Activities in the bed of rivers and lakes</i>	85 % (11 of 13 provisions) Consent documents have been prepared for these provisions	Rules C.2.1.2 and C.2.1.3	Draft consent documents have been prepared but not filed for the provisions that have been resolved. These will be filed once the outstanding two rules are resolved. Discussions are ongoing between parties to resolve the last two rules. Most parties have confirmed agreement in principle, so it is expected that these rules will be resolved shortly.
	<i>Wetlands (policies, rules and definitions)</i>	All rules (6) and policies (2) have been agreed. Virtually all definitions have been agreed.	Only one definition remains unresolved and the NRC anticipates this will be resolved by the end of June.	Draft consent documents have been prepared but not filed for the provisions that have been resolved. These will be filed once the outstanding two rules in the activities in the bed of lakes and rivers sub-topic are resolved.

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Topic	Sub-topic	Agreed/Resolved (%)	Unresolved Provisions	Comment
	<i>Rivers and wetland general conditions</i>	100%	None	Draft consent documents have been prepared but not filed for the provisions that have been resolved. These will be filed once the outstanding two rules in the activities in the bed of lakes and rivers sub-topic are resolved.
Topic 3 Allocation and use of Water	<i>Rules for taking and use of water</i>	1 of 5 rules	4 of 5 rules: C.5.1.1 Minor takes C.5.1.10 High flow allocation C.5.1.13 Water take below a minimum flow or water level C.5.1.14 Water take that will exceed an allocation limit	Consent order issued on 20 May for resolved provision. Resolution is expected on two rules (C.5.1.1 and C.5.1.10). Discussions are ongoing between parties with the remaining two rules, which are related to the appeal on Policy D.4.12 in Topic 4 (see the immediately below row). However, current indications are that a hearing may be required. This Topic was subject to pre-hearing conference on 12 March 2020, where directions were discussed for timetabling to a hearing.
Topic 4 Water quantity	<i>Objectives and policies</i>	6 of 8 provisions	D.4.12 Minimum flows and levels H.4.2 Minimum levels for lakes and natural wetlands	Consent order issued on 20 May for resolved provisions. As noted above, discussions are ongoing regarding Policy D.4.12 and resulted rules in Topic 3, in the hopes of resolution. It is likely a hearing will be required on H.4.2 Minimum levels for lakes and natural wetlands.
Topic 5 Water quality	<i>Objectives and policies</i>	4 of 7 provisions	D.4.1 Maintaining overall water quality H.3 Water quality guidelines and standards (Policies H.3.1-H.3.4)	Consent order issued on 20 May for resolved provisions. It is likely a hearing will be required on the outstanding provisions. This Topic was subject to pre-hearing conference on 12 March 2020, where directions were discussed pending

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Topic	Sub-topic	Agreed/Resolved (%)	Unresolved Provisions	Comment
				confirmation of whether an updated NPSFM would be Gazetted. It has recently been confirmed that an amended NPSFM will be Gazetted in July to take effect in August, along with a new NES and regulations. The Council proposes that timetabling directions are not made until those documents are released and their impact on the appeals can be considered
Topic 6 Damming and diversion of water	<i>Damming and diverting water</i>	100% (6 of 6 rules)	None	Consent order issued on 20 May for resolved provisions.
	<i>Land drainage and flood control</i>	None	C.4.1.1 Land drainage – permitted activity C.4.1.9 Land drainage and flood control general conditions	Discussions between parties are continuing and resolution is expected.
Topic 7 Discharges to land and water	<i>Production land discharge rules</i>	3 of 5 rules	C.6.3.1 Farm wastewater discharges to land C.6.3.8 Farm wastewater discharges to water	Three provisions have been resolved and will be included in draft consent documents once other provisions are resolved. The parties are continuing to negotiate on rule C.6.3.1 – resolution appears close. While negotiations are continuing on rule C.6.3.8, a hearing may be required to resolve the appeal.
	<i>Stormwater discharge rules</i>	3 of 5 rules	C.6.4.1 Stormwater discharges from a public stormwater network C.6.4.2 Other stormwater discharges	Consent order issued on 20 May for resolved provisions. The two unresolved rules are close to resolution.
	<i>Industrial and trade wastewater discharges</i>	100% (4 of 4)	None	Consent order issued on 20 May for resolved provisions.

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Topic	Sub-topic	Agreed/Resolved (%)	Unresolved Provisions	Comment
	<i>Contaminated land</i>	75% (3 of 4)	C.6.8.2 Discharges from contaminated land	Agreement has been reached in principle, subject to confirming the final wording of the rule. The Council will contact parties with proposed final wording and consent documents will then be prepared.
	<i>Other discharges of contaminants</i>	100% (2 of 2)	None.	NIWA has formally withdrawn its appeal in so far as it related to this sub-topic appeal. The other appellant, Federated Farmers, agreed not to pursue its appeal point, but has not yet formally withdrawn its appeal point.
Topic 8 Discharges to air and agrichemicals	<i>Objective and policies</i>	100%	None	Consent documents filed with the Court on 22 May.
	<i>Burning rules</i>	100%	None	Consent documents filed with the Court on 22 May.
	<i>Other air discharge rules</i>	75%	C.7.2.5 Discharges to air from industrial or trade premises (in relation to fumigants only)	Consent documents filed with the Court on 22 May. Fumigation rule is set down for a hearing in July.
	<i>Agrichemical rules</i>	None	Rule C.6.5.1 Application of agrichemicals – permitted activity Rule C.6.5.2 – Application of agrichemicals into water – permitted activity	These provisions remain unresolved, but the Council considers that the issues can be resolved between the parties without a hearing.
Topic 9 Land use and disturbance activities	<i>Livestock exclusion policy and rules</i>	Policy D.4.28 Rule C.8.1.3 Access of livestock to rivers, lakes, and wetlands	C.8.1.2 Access of livestock to the bed of a water body or continually flowing artificial watercourse C.8.1.4 Access of livestock to an outstanding freshwater	Consent order issued on 20 May for resolved provision. The unresolved provisions were subject to pre-hearing conference on 12 March 2020, where directions were discussed for timetabling to a

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Topic	Sub-topic	Agreed/Resolved (%)	Unresolved Provisions	Comment
			body or the coastal marine area E.3.4.1 Access of livestock to the bed of a water body or continually flowing watercourse in the Mangere catchment E.3.5.1 Access of livestock to the bed of a water body in the Whangarei Harbour Catchment	hearing. Resolution now appears possible without a hearing.
	<i>Land preparation</i>	Definition of land preparation	Rule C.8.2.1 Land preparation.	It is likely that a hearing will be required on this rule.
	<i>Earthworks definitions and rules</i>	50% (2 of 4): Definition of earthworks and definition of quarrying	Two rules: C.8.3.1 Earthworks C.8.3.2 Earthworks	Discussions are ongoing between the parties and the Council considers it likely the outstanding appeal points will be resolved without hearing.
	<i>Vegetation clearance</i>	(1 of 3) C.8.4.1 Vegetation clearance and coastal dune restoration within the coastal riparian and foredune management area	C.8.4.2 Vegetation clearance in riparian areas Vegetation clearance definition	Discussions have been ongoing and the Council considers that resolution is close.
Topic 10 Infrastructure and energy	<i>Objectives, policies and definition</i>	100% of objectives – F.1.5 and F.1.6 Regionally Significant Infrastructure definition 4 of 5 existing policies agreed	Policy D.2.8 Appropriateness of regionally significant infrastructure proposals Policy D.2.8A New Policy	The agreed provisions will be included in draft consent documents once the outstanding two policies are resolved. Two policies remain unresolved, but the council considers these are close to resolution. The Council is hopeful that they will be resolved by the end of June and consent documents can be filed.
Topic 11	<i>Objectives and policies</i>	100% for 2 objectives F.1.3 & F.1.11	Policy D.2.18 Precautionary approach to managing	The agreed provisions can be included in draft consent documents and filed in advance of a hearing on Policy D.2.18, if required.

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Topic	Sub-topic	Agreed/Resolved (%)	Unresolved Provisions	Comment
Biodiversity and outstanding natural features/landscapes		75% of policies (D.2.15, D.2.16 and D.2.17)	effects on significant indigenous biodiversity	Policy D.2.18 is unresolved and is likely to require a hearing
	<i>Maps – significant marine areas and significant bird areas in the CMA</i>	None	Various requests for additional mapping and for removal of existing mapping.	<p>The parties arranged expert caucusing on the appeal seeking to delete SEA mapping at Marsden Point and Mair Bank. Full agreement was not reached between the experts, but areas of disagreement were identified. A hearing will be required to resolve these issues.</p> <p>The parties sought to organise expert caucusing on the appeal seeking to include SEA mapping in the CMA adjacent to Northport. It did not progress due to COVID-19 restrictions. Expert caucusing may narrow the issues in dispute, but it is likely a hearing will be required.</p> <p>The Council will contact parties to continue discussions on other SEA and Significant Bird Area appeals, but it is likely that a hearing will ultimately be required on these issues.</p>
	<i>Maps – natural character and outstanding natural features/landscapes</i>	None	<p>Appeals seeking additional mapping and the removal of some discrete high natural character units.</p> <p>Appeals seeking inclusion of mapped ONLs on land from the RPS and mapping of ONLs in the CMA.</p>	<p>The Council will contact parties to continue discussions in relation to appeals requesting the insertion or deletion of natural character areas. The Council is hopeful that these issues can be resolved without a hearing.</p> <p>In respect of Outstanding Natural Landscapes, the parties propose to apply for an order from the Court under section 293 of the Act in relation to Outstanding Natural Landscapes in the CMA. An application will likely be filed in late June or early July 2020.</p>
Topic 12 Natural hazards	<i>Objectives and policies</i>	100% - One objective and four policies.	None	Consent order issued on 20 May, resolving this topic in its entirety

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Topic	Sub-topic	Agreed/Resolved (%)	Unresolved Provisions	Comment
Topic 13 Cultural	<i>Policies</i>	100% (2 of 2 policies) - Policy D.1.5 and new policy request.	None	The appellant, Federated Farmers, has agreed not to pursue its appeal points, but has not yet formally withdrawn its appeal points.
Topic 14 General provisions and plan structure	<i>Policy D.2.12 - Resource consent duration</i>	None	Policy D.2.12 Resource consent duration	This Topic was set down for mediation on 25 February but was vacated as the parties agreed progress could be made to resolve the appeals through direct discussions, rather than through mediation. The Council will contact parties to re-establish discussions and is hopeful that it will be resolved without a hearing.
	<i>Objective F.1.4 – Enabling economic well-being Policy D.2.1 – rules for managing natural and physical resources</i>	None	Objective F.1.4 – Enabling economic well-being Policy D.2.1 – rules for managing natural and physical resources	This Topic was set down for mediation on 25 February but was vacated as the parties agreed progress could be made to resolve the appeals through direct discussions, rather than through mediation. The Council will contact parties to re-establish discussions and is hopeful that the provisions will be resolved without a hearing.
	<i>Request for new provisions relating to marine protection/prohibition on fishing activities</i>	None	Request for new provisions and mapping.	Mediation has been set down for two days in early August in accordance with pre-mediation directions from the Commissioner.
	<i>Changes to plan structure</i>	None	Request to restructure the Plan, including to adopt National Planning Standards definitions	This Topic was set down for mediation on 25 February but was vacated as the parties agreed progress could be made to resolve the appeals through direct discussions, rather than through mediation. The Council will contact parties to re-establish discussions and is confident that the appeals can be resolved without a hearing.
Topic 15 – Mangrove Removal	<i>Mangrove policies and rules</i>	50% of policies (1 of 2)	100% of mangrove rules are unresolved. (6 of 6)	Hearing set down for week of 10 August.