

Planning & Regulatory Working Party
Wednesday 24 February 2021 at 9.30am

AGENDA

Planning & Regulatory Working Party Agenda

Meeting to be held via Zoom video and teleconferencing
on Wednesday 24 February 2021, 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 AND REGULATORY WORKING PARTY

Cr Joce Yeoman (Chair)

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

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TITLE: **Record of Actions**

ID: A1413222

From: Rachael King, Planning and Policy/Maori Relationships Administrator

Authorised by: Ben Lee, GM - Strategy, Governance and Engagement, on 17 February 2021

Executive Summary | Whakarāpopototanga

The purpose of this report is to present the Record of Actions of the last meeting held on 28 October 2020 for review by the meeting.

Attachments | Ngā tapirihanga

Attachment 1: Minutes of Meeting - 28 October 2020 [↓](#) 

Planning and Regulatory Working Party
28 October 2020

Planning and Regulatory Working Party Record of Actions

Remote meeting held via audio-visual link
on Wednesday 28 October 2020, commencing at 9.30am

Present:

Chairperson, Joce Yeoman

Councillors:

Justin Blaikie (*from approximately 9.45am*)

Amy Macdonald

Colin Kitchen

Penny Smart (*Ex-Officio*)

Te Taitokerau Māori and Council Working Party (TTMAC)

Representatives:

Mira Norris

Juliane Chetham (*left at 10.34am*)

Rowan Tautari

In Attendance:

Full Meeting

GM - Strategy, Governance and Engagement

GM – Regulatory Services

Strategic Policy Specialist

Compliance Monitoring Manager

Governance Support Manager (*secretariat support*)

Part Meeting

Policy Specialist (x2)

The meeting commenced at 9.33am and proceedings commenced with a karakia by the Chair.

Apologies (Item 1.0)

The (*standing*) apology from TTMAC representative, Pita Tipene, was noted.

Declarations of Conflicts of Interest (Ngā whakapuakanga) (Item 2.0)

The Chair noted that any declarations of conflict of interest would be taken item by item.

Record of Actions (Item 4.1)

The record of actions of the meeting held on 26 August 2020 was noted.

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Planning and Policy Work Programme (Item 4.2)

Presented by: GM – Strategy Governance and Engagement, Ben Lee

Key matters arising from Item 4.2:

- The Te Oneroa-a-Tōhe Beach Management Plan was likely to be approved in November with a number of actions involving changes to the Regional Plan. Given the actions were ‘tightly knit’ and consultation had already been undertaken on the Beach Management Plan, the plan change may be able to be progressed quickly.
- It was unclear at this time whether a plan change would be required to address additional sites of significance to tangata whenua and if so whether it could ‘piggy-back’ on other water related plan changes.
- There was still uncertainty regarding the cost to complete the freshwater plan change.
- The Ministry for the Environment was yet to confirm whether Northland data would be used for a pilot wetland mapping project.
- It was not recommended to undertake a wholesale review of the Regional Plan until it had been operative for a sufficient time to be ‘tested’. Legislatively it was required to be reviewed after five years.
- Any plan change would be discussed with TTMAC in the first instance to ‘test thinking and seek advice on the best way to consult’.

Regulatory Services Update (Item 4.3)

Presented by: GM - Regulatory Services, Colin Dall

Key matters arising from Item 4.3:

- A link to the decision made by the Expert Consenting Panel on the Matawii water storage reservoir application (a fast track listed project) to be forwarded to members.

Regional Plan Update (Item 4.4)

Presented by: GM – Strategy, Governance and Engagement, Ben Lee

Key matters arising from Item 4.4:

- A question had been raised during hearings whether by definition wetlands involved the Coastal Marine Area and mangroves; the outcome of which was of high national interest given the potential implications.

Freshwater Management Plan Change Update (Item 4.5)

Presented by: GM – Strategy, Governance and Engagement, Ben Lee

Key matters arising from Item 4.5:

- The most significant challenge to implementing the National Policy Statement on Freshwater Management was giving effect to Te Mana o Te Wai; which was a ‘fundamental change to how we view water’.
- The membership of the Tāngata Whenua Water Advisory Group, set up by NRC, was intentionally different from the Wai group set up by the iwi leaders as they had a very different focus. The members of the Tangata Whenua Water Advisory Group had also

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been appointed based on their specific individual expertise to ensure a diverse and robust discussion. Further advisory groups would be established, for example a Primary Sector Group.

- Given that NRC would be one of the first councils progressing a water plan change there would be a high degree of interest. On this basis, a draft proposed plan change would be prepared to assist upfront engagement and to reduce appeals.
- Council had approved three TTMAC members attending all council workshops on the content of the plan change that gave effect to the water quality planning requirements of the National Policy Statement for Freshwater Management. However, TTMAC had directed council to draw on the advice of the Tāngata Whenua Water Advisory Group in terms of engagement; hence the three TTMAC members did not need to be involved in signing off the project and engagement plan.

Agreed action points:

- Applicants for the Tangata Whenua Water Advisory Group to be advised that the formation of the group was being delayed due to the procedural requirement for council to approve increasing membership from 12 to 15.
- The completed project and engagement plan to be taken to full council (given it was a significant piece of work). In the first instance it was expected council would engage at a regional level. However, it may be appropriate to do 'deep dives in specific catchments' or on particular topics.
- The 'picture of hot spots in Northland', based on how current water state aligned with the government's bands, to be brought back to the Working Party when complete.

Efficient Use of Water - Mechanisms for Council (Item 4.6)

Presented by: Strategic Policy Specialist, Justin Murfitt

Key matters arising from Item 4.6:

- The water quantity provisions of the Regional Plan were currently under review so the 'landscape' could change.

Reducing the Impact of Plastic on our Environment (Item 4.7)

Agreed action points:

- Consideration to be given to the submission supporting the phasing out of disposable coffee cups and single use plastics.
- Advice to be sought from the Comms team whether it was appropriate for NRC's social media to notify the opportunity for the public to submit .
- The final submission to be forwarded to the Chair of the Working Party prior to being lodged.

Conclusion

The meeting concluded at 11.07am.

TITLE: Planning and Policy Work Programme

ID: A1410072

From: Alison Newell, Natural Resources Policy Manager

Authorised by: Ben Lee, GM - Strategy, Governance and Engagement, on 17 February 2021

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	<p>The RMA enables regional councils to apply charges to structures (akin to a rental) that occupy space within the coastal marine area – this is known as 'coastal occupation charges'.</p> <p>Council had previously indicated that they wanted to hear from the public to determine if there is support, or not, for introducing coastal occupation charges in Northland.</p> <p>Staff have drafted a discussion document for the public's consideration. The next step is for council to consider whether to proceed with releasing the discussion document for public feedback.</p>	March/April 2021
Marine protected areas	<p>Discussions on Mimiwhangata proposal with Ngātiwai Trust Board are on hold.</p> <p>Appeals on Proposed Regional Plan seeking additional fishing controls are set down for a detailed evidence exchange schedule ending with a three-week Environment Court hearing July and August 2021.</p>	Marine Protection appeals hearing is scheduled for 12-23 July and 2-6 August 2021 see separate PRP Appeals item
Wetland mapping	<p>This mapping project aims to clearly define wetlands and provide certainty about where wetland rules apply.</p> <p>MFE contracted Morpium to pilot wetland mapping techniques. Phase I involved a literature review and proposed methods. Phase II involves further refinement and trialling mapping methods.</p> <p>NRC has supplied Northland data and is likely to be used as a case study to trial mapping techniques.</p>	<p>MFE Phase I literature review and methods report is due for release Feb 2021</p> <p>MFE Phase II results and recommendations due mid 2021</p>

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

Activity	Detail	When
	This will contribute to the regional wetland mapping project, but considerable validation work is likely to be needed.	
Freshwater quality management plan change	A plan change to set freshwater quality objectives, targets and regulation to ensure the objectives are achieved and targets are met. Required to give effect to the Freshwater NPS	Notify late 2022
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 agenda item	Refer separate agenda 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 (e.g. flood management) are not unduly regulated.	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 TOAT beach plan change and implementation plan.	Advice to board – ongoing Beach management plan change – start 1st Qtr 2021
NRC input into national proposals	Government has announced that RMA reform is being prioritised in the next two years with the repeal of the RMA and its replacement with a Natural and Built Environments Act, a Strategic Planning Act and a Managed Retreat and Climate Change Adaptation Act. National Policy Statements relating to Indigenous Biodiversity and Highly Productive Land are also due to be gazetted this year. Staff are involved in various working groups from local government including the Biodiversity Special Interest Group (SIG).	2021 - 2023
Regional Plan guidance material	The planning team is working with the Māori Relationships team and has started developing guidance material to assist with interpreting / implementing the Plan in response to demand. The priority is for guidance for implementation of the policies that direct the assessment of impacts on tangata whenua for resource consent applications (policies D.1.1 and D.1.2 in particular).	2021

Activity	Detail	When
Additional sites of significance to tangata whenua – plan change	Possible plan change. Likely to piggy-back on other water related plan change(s).	Notify 2022
Mana Whakahono o Rohe (MWR)	Planning team assisting Māori Relationships team with roll-out of joint hapū MWR and development of implementation plans as required. Will also be involved in developing any iwi based MWR. Ngāti Rehia and Patuharakeke have both signed MWR, with others considering doing so.	ongoing
RPS – five-year review	Refer to separate agenda item.	Refer separate item
Te Mana o Te Wai	Staff are digesting the Te Mana o Te Wai requirements of the Freshwater NPS and preparing a draft implementation plan. Unsure of process at this stage but likely to be presented to council in the next few months. Budget for this has been included in the Draft LTP.	Council feedback in next few months LTP consultation feedback in next few months
Regional Biodiversity Strategy	Once gazetted the NPS Indigenous Biodiversity will likely lead to council developing a regional strategy focused on indigenous biodiversity.	2021 - 2023

Recommended Actions | Ngā mahi tūtohutia

Nil – presented for information purposes

TITLE: Regulatory Services Work Programme

ID: A1413045

From: Tess Dacre, Compliance Monitoring Manager

Authorised by: Colin Dall, Group Manager - Regulatory Services, on 17 February 2021

Executive Summary | Whakarāpopototanga

Over the period 1 October 2020 to 31 January 2021 there were 1,747 compliance activities undertaken. Of these, 36 (2%) were assessed as significantly non-compliant. Twenty-nine of the significant non-compliances were for farm dairy effluent discharges.

A total of 286 environmental incidents were recorded over the same period. The most frequent incident type was burning and smoke nuisance, which accounted for 70 (24%) of the incidents, followed by earthworks/vegetation clearance (22), dust nuisance (21) and “other water incident” (20).

Compliance staff issued 47 infringement notices and 99 abatement notices in relation to non-compliant activities from 1 October 2020 to 31 January 2021.

There was court action in relation to the following enforcement matters:

1. *Sand dune removal, Tokerau Beach;*
The defendant was sentenced in the Whangārei District Court to 300 hours community work and an enforcement order was granted for costs associated with restoration work totalling \$5,968.58.
2. *Timber treatment plant discharges, Whangārei;*
A settlement agreement was reached with the defendant which includes an enforcement order and payment of costs. NRC sought leave of the court to withdraw the charges, which was granted.
3. *Earthworks without erosion and sediment controls, Totara North;*
Not guilty pleas were entered by the defendant and the next nominal court date is set down for 27 April 2021.
4. *Dumping of trade and industrial waste, Kaitāia;*
NRC made an *ex parte* application to the Environment Court for interim enforcement orders which were issued on 6 November 2020.
5. *Burning on industrial/trade property, Whangārei;*
Charges were laid in the Whangārei District Court on 27 November 2020 against an individual. An agreed adjournment between parties was granted with the next court date set down for 31 March 2021.

Recommended Actions | Ngā mahi tūtohutia

Nil – presented for information purposes

Background | Tuhinga

N / A

TITLE: Regional Plan Update

ID: A1410123

From: Alison Newell, Natural Resources Policy Manager

Authorised by: Ben Lee, GM - Strategy, Governance and Engagement, on 16 February 2021

Executive Summary | Whakarāpopototanga

Since the last Working Party update (28 October 2020), Environment Court hearings have been held or are underway on:

- Topic 11 (Biodiversity and Outstanding Natural Features/Landscapes) held 23-25 November – interim report issued by the Environment Court on 3 December 2020
- Topic 15 (Mangroves) jurisdictional question relating to NES-Freshwater wetland provisions application in the CMA held 7 December 2020 – declaration issued by the Environment Court on 10 February 2021
- Topic 11 (mapping of SEAs and Marden Point Port Zone) held 4-5 February 2021 – decision is anticipated late March/early April

Topic 11 (ONLs)

The Court has issued directions for timetable for mapping of ONLs in the CMA under s.293 of the RMA. This requires council to work with the parties to the appeals to:

- prepare draft Maps by 30 April 2021,
- undertake “necessary consultation with parties to these provisions, other community groups and tangata whenua” by 30 July,
- final Maps and all other provisions by 27 August,
- draft of the public notification to the Court by 10 September for approval, and
- public notification no later than 24 September
- submissions (including any s.274 notices) to be filed with the Court by 22 October
- Summary of all submissions to be filed with the Court by 5 November 2021.

The Court will then set out appropriate process for resolution (mediation or hearing) as required. The Court has noted that all existing s.274 parties and appellants are deemed to be parties to the s.293 process and hearings that follow. Any new parties will need to file a submission or s.274 notice to join.

The Court has also created a new topic (Topic 17) for ONL mapping. Council has contracted the services of Mike Farrow (Littoralis Landscape Architects) to assist staff in the mapping of ONLs in the CMA and has had an initial informal discussion with Patuharakeke Te Iwi Trust Board representative (s.274 party) in regards to methodology for inclusion of tangata whenua values based on a desktop exercise associated with ONL mapping.

Topics 3 (Allocation and Use of Water) and Topic 4 (Water Quantity)

The Court has released its decision and an initial analysis of the implications of the decision is provided (Attachment 1).

Topic 5 (Water Quality)

Informal exchanges have been had with Minister of Conservation with the purpose of looking to refine the relief sought prior to hearing. Expert witnesses will conference to further narrow the points to be argued at hearing.

Topic 15 (Mangroves) and Environment Court Direction on NES-F 2020 jurisdiction

The Court's declaration considers the jurisdictional question that arose during the hearings on mangrove provisions last year. The outcome provides clarity as the extent to which the NES for Freshwater Regulations 2020 applies in the coastal marine area, i.e. that this is limited to only areas in the CMA which are upstream of the "river mouth" and do not apply to the *"general CMA, open oceans, estuaries, bays or other areas not falling within the definition of "river or connected area".* There is a possibility that the Minister of Conservation or Forest & Bird will appeal the Court's decision (parties have until 3 March to lodge such an appeal), as the Court's findings are contrary to the arguments they put forward at hearing.

Topic 16 (Stock Exclusion)

Staff have contacted all parties to ascertain any change in position given the Stock Exclusion Regulations (2020) that came into force 3 September 2020. It is possible that this may be resolved without the need for a hearing.

Topic 1 (Aquaculture)

Staff have contacted key parties to arrange an informal meeting to progress these appeals in light of the NES Marine Aquaculture (which came into force 1 Dec 2020), with intent to narrow or refine matters to be heard.

Topic 14 (Fishing Controls)

The council workshop held 2 February canvassed the scope of the appeals on fishing controls and marine protection and confirmed council's position supporting appropriate planning provisions where sufficient supporting evidence is available. This has been reported to parties to the appeals and evidence exchange will now proceed as directed by the Court to hearing.

Other Provisions under Appeal

Resolution on other appeal points has continued informally through email exchanges between parties.

Scheduled Hearings

The following hearings are set down for coming months:

- Topic 8 (Agrichemicals) scheduled for 26-29 April 2021
- Topic 1B (Vehicles on Beaches) scheduled for 30 April – 3 May
- Topic 5 (Water Quality) scheduled for 4–7 May
- Topic 14 (Fishing Controls) scheduled for 12-23 July and 2-6 August

Each has an agreed timetable for circulating and filing evidence (council, those parties seeking more liberal or more restrictive provisions, and rebuttal).

Recommended Actions | Ngā mahi tūtohutia

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

Attachments | Ngā tapirihanga

Attachment 1: Memo Env Court decisions on Topics 3 and 4 appeals (water quantity)  



Memo

Date: 9 February 2021

To: Ben Lee – Acting group Manager Strategy Governance and Engagement

From: Justin Murfitt – Strategic policy Specialist

Subject: Environment Court decision – water quantity appeals on the Proposed Regional Plan

On 25 January, the Environment Court released its decisions on a number of water quantity related appeals¹ to the decisions version of the Proposed regional Plan (PRP). Key issues before the Court were:

1. The most appropriate activity status for takes below minimum flows (Rule C.5.1.13) and takes that exceed allocation limits (Rule C.5.1.14) – non-complying or prohibited activity.
2. The regime applying to high flow allocation / supplementary takes (Rule C.5.1.10).
3. The provision for alternative minimum flows and how takes for public water supply, domestic needs of individuals/stock drinking water, rootstock survival water and existing consents should be dealt with (Policy D.4.12(2)).
4. The most appropriate minimum level for dune lakes (Policy H.4.2).

The Court considered both the 2014 and 2020 versions of the National Policy Statement for Freshwater Management (NPS-FM) given the PRP decisions were released before the NPS-FM 2020 and that both give primacy to ecological values (Para 34). Key findings are summarised below:

- New takes below a minimum flow or that exceed an allocation limit are a prohibited activity with exceptions for drinking water supply (a non-complying activity), non-consumptive takes (discretionary) and individuals domestic needs / stock drinking water (subject to section 14(3) RMA).
- Replacement consents for existing authorised drinking water supplies are controlled activities (Rule C.5.1.8) provided there is no increase in the rate/volume of the take.
- That minimum flows or levels set in water permits granted before 4 May 2019 that are lower than those set in the plan (in H.4.1 and H.4.2) are to be considered as interim flows or levels (revised Policy D.4.12(2)) – note: there is some uncertainty on this point that will be clarified once final text of provisions is finalised by the Court.
- A 'secondary' minimum flow and allocation regime is to be provided for rootstock survival water (meaning slightly more permissive limits for rootstock survival in the coastal, small and large river management units).
- An additional clause is to be added recognising that new information may inform a recalculation of mean annual low flow (MALF) and lead to revised minimum flows and allocation limits recognising that many calculations of MALF in Northland are modelled rather than based on actual flow data.

¹ Key parties to the appeals were Minister of Conservation, Royal Forest and Bird Protection Society, FNDC and WDC, Federated Farmers and Horticulture NZ.

- Restricted discretionary activity status should be applied to high flow allocation² in Rule C.5.1.10 provided 50% of the flow above the median remains in the river. A matter of discretion is also applied to ensure flushing flows are maintained to support aquatic ecosystem health.
- Minimum levels for all dune lakes are to be “no change in seasonal or annual water level” (in Policy H.4.2) and takes that would affect these levels in dune lakes are a non-complying activity (Rule C.5.1.13).

Other points of note include:

- The Court acknowledged the need for a pragmatic approach and that there are times when some waterways will be subject to extraction below minimum flows for certain uses (such as drinking water supply). The Court also recognised the overwhelming task if council were required to measure and set ‘bespoke’ limits for every waterway.
- The Court decision viewed the PRP provisions as ‘transitional’ with a longer term goal of moving toward maintaining minimum flows based on a percentage of MALF but acknowledged the risks of unacceptable adverse effects from additional takes below median flows or outside allocation blocks.
- The need for a pragmatic approach recognising that it is inevitable that pressure on and demands for water in Northland are going to increase and concerns of compromises reached in “times of extremity”.
- The Court was clear it does not expect the NPS-FM 2020 to be delivered in full through appeals - rather that council has a future obligation to amend the Regional Plan to give full effect to the NPS-FM.
- There is a strong basis for encouraging high flow allocation (water harvesting) and storage in Northland rather than reliance on takes during low flows given relatively low flows in most rivers and the increasing pressures resulting from more extreme droughts and economic development imperatives.

Next steps: The Court has directed council to amend the relevant PRP provisions to reflect the decision – this is to be circulated to parties and lodged with the Court by the end of February 2021. The Court will then confirm the final wording of the provisions.

Implications:

- There is a high degree of certainty that existing registered drinking water supply can be renewed (as a controlled activity) provided there is no increase in the volume or rate of take (even if they exceed limits).
- New drinking water takes that exceed limits are a non-complying activity.
- There will be no opportunity to apply for new takes that exceed limits (unless for new drinking water supply) unless it can be demonstrated there is more water available than originally thought (i.e. new information leads to a revised Mean Annual Low Flow) or by plan change – this will constrain access to water in areas where limits are reached and mean high flow harvest and water storage will become increasingly important.
- Water takes (other than for drinking water supply) granted prior to 4 May 2019 that set different minimum flows / levels can be renewed (discretionary activity) provided they do not increase the volume/rate of the take – essentially these are provided for as interim flows and levels. Note: there remains some uncertainty around this aspect of the decision.
- Council will need to progressively develop reach / waterbody specific limits and prioritise this work in areas of high demand for water.

² Harvesting water when rivers are above median flows

TITLE: Freshwater Management Plan Change Update

ID: A1410133

From: Brenda Baillie, Policy Specialist

Authorised by: Ben Lee, GM - Strategy, Governance and Engagement, on 17 February 2021

Executive Summary | Whakarāpopototanga

Last year, the Government released its Essential Freshwater package which came into effect on 3 September 2020. The package contained a set of new rules and regulations including the National Policy Statement for Freshwater Management 2020 (NPS-FM) and the National Environmental Standards for Freshwater.

The Water Quality Plan Change Project Implementation Plan and budget has been updated to incorporate the latest legislative changes and was presented to Council on the 1st December 2020. Two stakeholder groups (Tangata Whenua Water Advisory Group and the Primary Sector Liaison Group) have been established and have had initial meetings. Information on the actual and modelled state of water quality in Northland's rivers has been presented to Council. NRC is also compiling a package of background information to support the Water Quality Plan Change process which will ultimately be available on the NRC website in a GIS platform.

Recommended Actions | Ngā mahi tūtohutia

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

Background | Tuhiinga

Council is required to undertake plan change(s) under the Resource Management Act to give effect to the NPS-FM by the 31 December 2024 statutory deadline for public notification of the proposed plan change(s). The priority focus for council are the obligations in relation to freshwater quality, as existing water quantity provisions provide an adequate 'interim' policy framework whilst further work is undertaken to inform more detailed consideration of water quantity provisions.

This Plan Change therefore addresses freshwater quality matters, acknowledging that this is one component of an overall broader process that council will need to go through to fully implement the NPS-FM. This broader package of work includes actions taken by council under other legislation, for example incentives for fencing and riparian/wetland enhancement funded through the Long Term Plan which contribute to the overall objective of halting degradation and improving our freshwater.

Council has previously agreed a strategic approach to tangata whenua engagement and primary sector representatives (see below for update on progress).

Plan Change Development

The Water Quality Plan Change Implementation Plan and budget have been revised to incorporate the latest updates in the Government's Essential Freshwater package and to give effect to Te Mana O Te Wai. The plan change is expected to take two years to develop to point of public notification (approximately October 2022). Council was briefed on the key aspects of the plan change process at a workshop on the 1st December 2020.

Council is also obliged to amend the Proposed Regional Plan to insert three specific policies (relating to natural inland wetlands, rivers and fish passage²) using s.55(2A) of the RMA, i.e. not using the

² See Clause 1.7 of the NPS-FM 2020

‘normal’ Schedule 1 RMA process. Staff have compiled the necessary amendments to the Proposed Regional Plan and these will be advertised in coming months.

On the 9th March 2021, the Chief Freshwater Commissioner, Professor Peter Skelton is scheduled to visit the Northland Regional Council. He will meet with Councillors and Council staff to discuss the new Freshwater hearings process.

Tangata Whenua and Community engagement

As part of council’s approach to community engagement, key focus groups have been set up. The Primary Sector Liaison Group (PSLG) includes representatives from Beef + Lamb New Zealand, Federated Farmers, Dairy NZ, Fonterra, HortNZ, Northland Wood Council, Ministry for Primary Industries (MPI), and Pāmu (Landcorp). The PSLG had their initial meeting on the 14th December and welcomed the group’s establishment as a mechanism for engaging with council. The second meeting on 15th February 2021 confirm membership and Terms of Reference for the group

The membership of the Tangata Whenua Water Advisory Group (TWWAG) has been confirmed and powhiri for the group and first meeting were held on 19 January. Although the initial membership was set at 12, because of the calibre of all the applicants the number was increased, following approval from Council, to 15. With the sad passing of Allan Halliday, the membership has been retained at 14. Further work is underway to confirm the scope and Terms of Reference for the group. Letters have been sent to all the CEO’s of members of TTMAC making initial contact and with an invitation to meet with NRC.

Information and data collection and analysis

Staff are compiling background information to support the Water Quality Plan Change. Once completed, it will be available on the NRC website in a GIS platform that enables viewers to access this information for each water quality Freshwater Management Unit. In the medium-term this platform can be expanded to provide an engagement tool for the purposes of public consultation (e.g. a story board platform with options for feedback).

In addition, the NRC website has been updated with a web page providing guidance on the Government’s Essential Freshwater reforms: www.nrc.govt.nz/essentialfreshwater

NIWA and Land Water Science (LWS) have completed modelling the current state of water quality in Northland’s rivers. A comparison of these results has been presented to the Water Steering Group and then to Council on 9th February 2021 along with the PSLG on the 15th February 2021. A short 2-3 page summary on Northland’s water quality state is due at the end of February 2021. NIWA is modelling a range of mitigation scenarios (e.g. fencing, riparian planting, planting highly erodible land, and wetland construction) to estimate their effectiveness in reducing contaminant loads and improving water quality, with a final report due end of April 2021.

A comparison of Northland’s freshwater monitoring programme and the monitoring and reporting requirements of the NPS-FM is in progress and will complement and inform NRC’s environmental monitoring network review.

Next Steps

- Continue engagement with tangata whenua and communities on the Water Quality Plan change process
- Update the Proposed Regional Plan to give effect to NPS-FM clause 1.7 using RMA s.55(2A)
- Finalise background water quality data analysis and scenarios modelling and make these publicly available
- Complete the gap analysis comparing NRC’s freshwater monitoring with the requirements of the NPS-FM

TITLE: RPS Review

ID: A1410966

From: Alison Newell, Natural Resources Policy Manager

Authorised by: Ben Lee, GM - Strategy, Governance and Engagement, on 17 February 2021

Executive Summary | Whakapopototanga

Under the Resource Management Act (RMA), council is required to report on its monitoring of the efficiency and effectiveness of the Regional Policy Statement (RPS) by May 2021³. The purpose of the monitoring review is to assess how effective the provisions have been in addressing the regionally significant issues identified and achieving the objectives of the RPS after five years from the operative date (it is not a full review under s79 RMA). The five-year review also provides an opportunity to identify any key gaps or areas for improvement as a result of changes to legislation, national policy direction or best practice which have emerged since the RPS was made operative.

Work on the RPS review has until now been 'put on hold' awaiting further information on timing of possible resource management system reform and implications for regional planning and the fact that several national policy statements are imminent. Whilst there is now more certainty as to the government's intentions and timing of legislative reform, and in particular confirmation as to the relevance of long-term regional spatial strategies, there is still uncertainty as to the exact nature of future planning and new legislation is not anticipated before December 2022. In light of this continuing uncertainty, it is considered best to keep the 5yr RPS review 'on hold' at this point in time.

Recommended actions

1. That the Planning and Regulatory Working Party receive the paper and provide verbal feedback.
2. That staff prepare a paper for consideration by council for approval to hold off on initiating the RPS review until the broader planning framework is confirmed.

Background/Tuhinga

The RPS for Northland became operative on 9th May 2016. Under s. 35(2) of the RMA, council is obliged to monitor the effectiveness and efficiency of its policies (amongst other things), and to make the results of that monitoring publicly available at least every five years. Council is therefore obliged to report by 9th May 2021 on its monitoring review.

A decision to allocate staff time and resource to reviewing the RPS had been 'put on hold' until further information on resource management system reform was available, given the potentially significant changes to the planning regime. The recent announcement⁴ of government as to the timing of reform, confirms the Natural and Built Environments Act as being the primary replacement

³ The RMA s. 35(2)(b) "Every local authority shall monitor... ..the efficiency and effectiveness of policies, rules or other methods in its policy statement or its plan..." and s.35(2A) "Every local authority must, at intervals of not more than 5 years, compile and make available to the public a review of the results of its monitoring under subsection (2)(b)."

⁴ Media Statement issued by Hon. David Parker 10 February 2021 <https://www.beehive.govt.nz/release/rma-be-repealed-and-replaced>

for the RMA. A Strategic Planning Act and Climate Change Adaptation Act will progress in parallel – all three Bills are intended to be introduced to Parliament in December 2021 and enacted by December 2022. The government has also confirmed that regional spatial planning will play a key role in the new regime as will long-term regional spatial strategies and combined regional / district plans. Announcements to date have been silent on the future of Regional Policy Statements - it appears quite possible that they will no longer be needed under a combined plan regime. There are several other drivers in addition to monitoring the effectiveness of the existing policies that should also be considered in initiating the review:

- Key changes to national legislation / policy which:
 - result in gaps that are likely to require changes to the RPS (e.g. the NPS Freshwater Management 2020 and NPS on Urban Development 2020)
 - mean the existing text is obsolete (e.g. the definitions of regionally significant infrastructure are likely to need updating given drinking water reforms and the effect of the NES freshwater; and there are potential inconsistencies with the National Planning Standards⁵)
 - The pending NPS Indigenous Biodiversity and NPS for Highly Productive Land (early/mid 2021) are likely to require changes to the RPS, or amendment of tikanga Māori and Treaty-related provisions and involvement of tangata whenua in decision-making.
- Decisions of the Environment Court on the Proposed Regional Plan may require RPS amendments (e.g. fishing controls/marine protected areas and the water quantity decision which has emphasised the need for greater focus on water harvesting and storage).
- Matters such as climate change which are not comprehensively addressed - the RPS is primarily focused on managing risks of natural hazards and is comparatively silent on adaptation and mitigation (noting regional councils will be required to consider greenhouse gas emissions in discharge consents at the end of 2021 and the Government will be developing emissions reduction plans and budgets in the near future).
- There has also been updates to guidance (MfE 2017) on the management of coastal hazards and approaches to adaptation released after the RPS became operative.
- Other emerging issues may require changes (such as water resilience and greater emphasis on land use / land use change in response to water quality issues and climate change).

Given the inherent uncertainty at this stage as to the exact nature of regional policy statements. and the need for changes to the RPS as a consequence of national legislation, it may be more efficient in terms of staff and financial resources to hold off the 5yr review. There is a risk that council may be asked to provide its 5yr review and not be able to do so as it has not been done. Given the comprehensive review of the RMA planning framework and repeal of the Act, this risk is deemed to be low.

⁵ The National Planning Standards came into force in November 2019 and council has three years to adopt the standards in the RPS and ten years for regional plans. <https://www.mfe.govt.nz/rma/national-direction/national-planning-standards/implementing-first-set>

TITLE: Process for managing consent compliance monitoring

ID: A1413033

From: Tess Dacre, Compliance Monitoring Manager

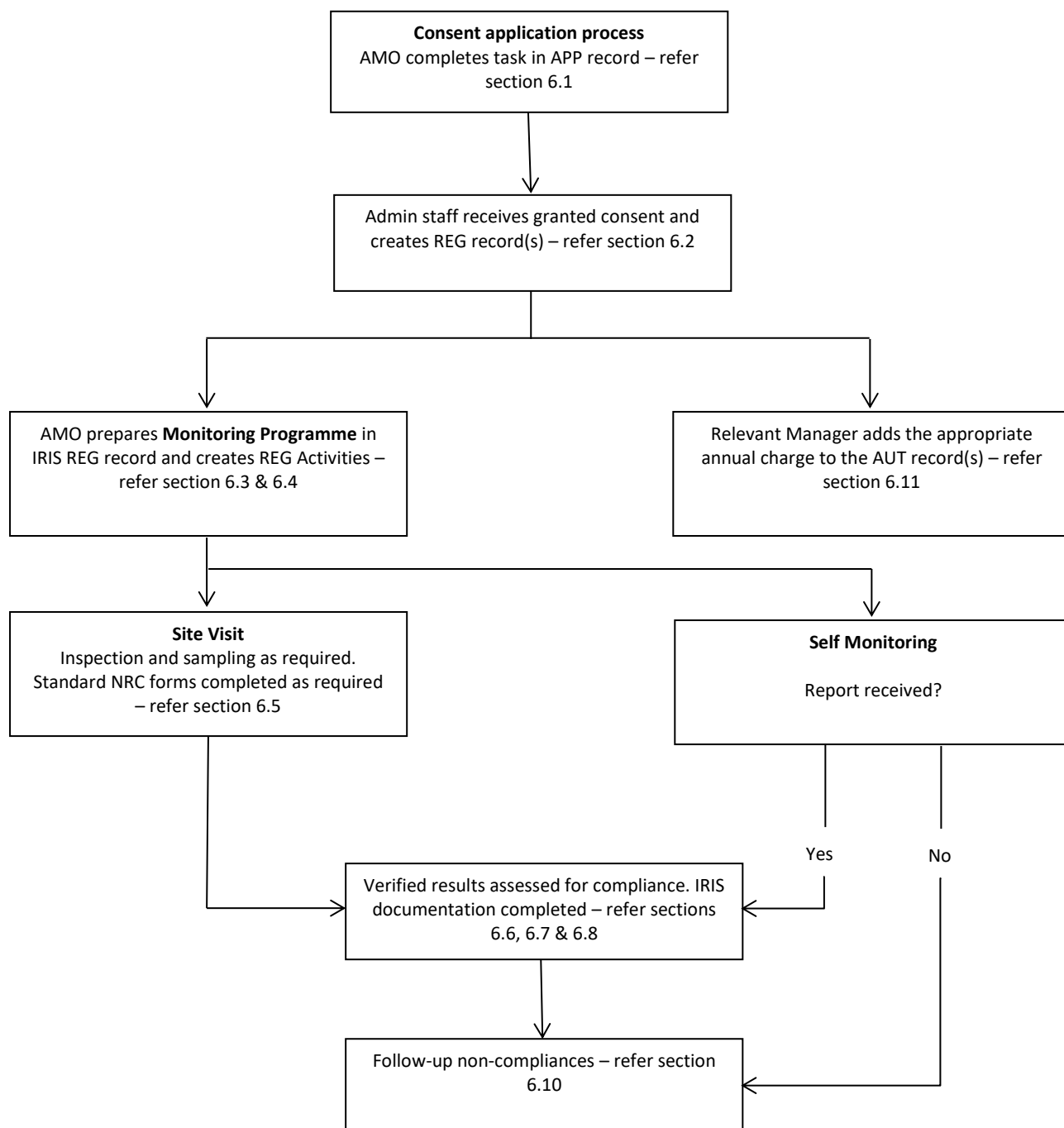
Authorised by: Colin Dall, Group Manager - Regulatory Services, on 17 February 2021

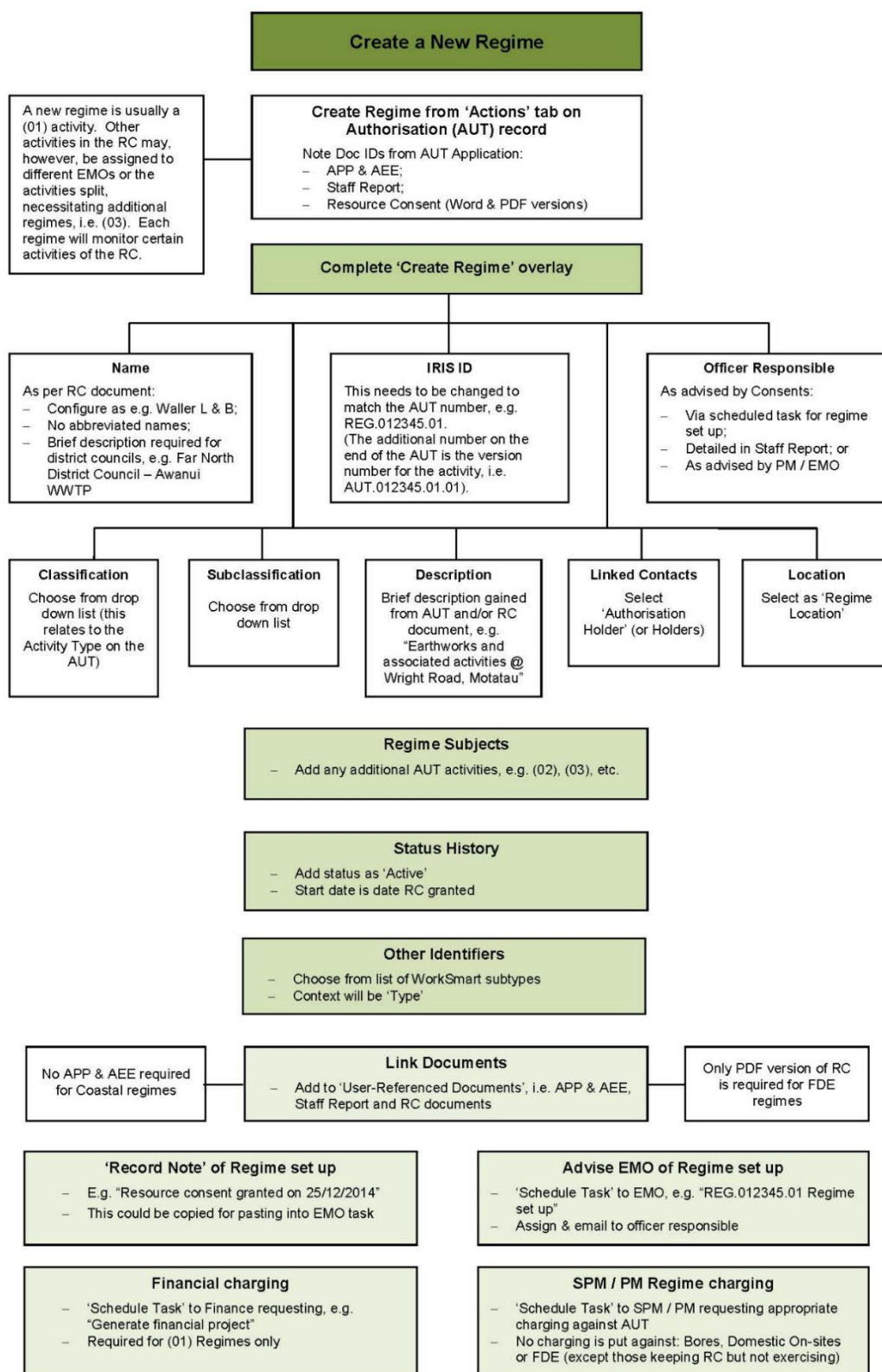
Executive Summary | Whakarāpopototanga

Council's IRIS database is used for the tracking and managing our consent processing and compliance monitoring functions. IRIS has the ability to schedule "tasks" and "activities" – which give reminders to officers (via email and IRIS Homepage reminders) when those tasks and activities are due to be carried out.

Key steps in the process for managing compliance monitoring are:

1. Consent is granted and issued. An "Authorisation" (AUT) record in IRIS is set up. Annual charging details are set on this record and details such as the lapsing and expiry dates for the consent are recorded.
2. Consents Team assign a task to monitoring administrator to set up a "Regime" (REG) record in IRIS. The REG record is used for all compliance monitoring activities associated with that consent (or suite of consents).
3. Once the REG has been set up a task is allocated to the assigned Monitoring Officer (AMO). This task requires the AMO to enter a monitoring programme into IRIS and to create the necessary activities for monitoring of the consent. Monitoring programmes are based on consent requirements and the scale, nature and potential adverse effects of the consented activity.
4. AMO undertakes required monitoring as per the programme and enters compliance data into IRIS.
5. Reports are used to:
 - Check where data is missing (e.g. a monitoring programme has not been entered). Exception reports are generally run on a monthly basis.
 - Check what monitoring is due or overdue.
 - Track progress on meeting targets and objectives.
 - Report on compliance levels, trends etc.
6. All processes are documented in Quality Procedures Manuals and/or Promapp. Attached are two flow diagrams taken from the documented procedures.





Recommended Actions | Ngā mahi tūtohutia

Nil – presented for information purposes