

**Natural Resources Working Party**  
**Wednesday 20 March 2024 at 9.30am**

# **AGENDA**

## Natural Resources Working Party Agenda

Meeting to be held in the Council Chamber  
36 Water Street, Whangārei  
on Wednesday 20 March 2024, 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 NATURAL RESOURCES WORKING PARTY

Chairperson, NRC (Deputy Chair) Tui Shortland  
NRC Chair Geoff Crawford  
TTMAC Representative, Nora Rameka  
TTMAC Representative, Mira Norris  
TTMAC Representative, Geraldine Baker  
Councillor John Blackwell  
Councillor Joe Carr  
TTMAC Representative, Lynette Whararau

### KARAKIA

### RĪMITI (ITEM)

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#### 1.0 NGĀ MAHI WHAKAPAI/HOUSEKEEPING

#### 2.0 NGĀ WHAKAPAHĀ/APOLOGIES

#### 3.0 NGĀ WHAKAPUAKANGA/DECLARATIONS OF CONFLICTS OF INTEREST

#### 4.0 REPORTS

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### **Opening Karakia**

Whakataka te hau ki te uru,  
Whakataka te hau ki te tonga.  
Kia mākinakina ki uta,  
Kia mātaratara ki tai.  
E hī ake ana te atākura he tio,  
he huka, he hauhunga.  
Tuturu whakamaua kia Tina (Tina)  
Haumi e! Hui e! Tāiki e!

### **Closing Karakia**

Unuhia, unuhia  
Unuhia ki te uru tapu nui  
Kia wātea, kia māmā, te ngākau, te tinana, te wairua i  
te ara tangata  
Koia rā e Rongo, whakairia ake ki runga  
Kia tina! TINA! Hui e! TĀIKI E!



**TITLE:** **Record of Actions – August 2023**

**From:** Sandra Harris, Personal Assistant - Pou Tiakai Taiao

**Authorised by** Ruben Wylie, Pou Tiaki Taiao, on 11 March 2024  
**Group Manager/s:**


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### **Whakarāpopototanga / Executive summary**

The purpose of this report is to present the Record of Actions of the last meeting (attached) held on 29 August 2023 for review by the meeting.

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### **Attachments/Ngā tapirihanga**

Attachment 1: Record of Actions - August 2023 [↓](#) 

Natural Resources Working Party  
29 August 2023

## Natural Resources Working Party Record of Actions

Meeting held in the Council Chamber  
36 Water Street, Whangārei  
on Tuesday 29 August 2023, commencing at 9.30am

### Tuhinga/Present:

Chairperson, Councillor Amy Macdonald  
Councillor John Blackwell  
Councillor Jack Craw  
Councillor Geoff Crawford  
Councillor, Marty Robinson  
TTMAC Representative, Mira Norris  
TTMAC Representative, Nora Rameka  
TTMAC Representative, Lynette Wharerau

### I Tae Mai/In Attendance:

Pou Tiaki Taiao | GM Environmental Services – Ruben Wylie  
Policy Planner – Planning and Policy – Ingrid Kuindersma  
Resource Scientist – Coastal – Natural Resources – Richard Griffiths  
Strategic Policy Specialist – Planning and Policy – Justin Murfitt  
Monitoring Manager – Natural Resources – Jason Donaghy  
SHaRP Project Manager – Land Management – John Ballinger

The meeting commenced at 9.30 am.

### Ngā Mahi Whakapai/Housekeeping (Item 1.0)

### Ngā Whakapahā/Apologies (Item 2.0)

TTMAC Representative, Geraldine Baker

### Record of Actions – May 2023 (Item 4.1)

**Presented by:** Ruben Wylie, Pou Tiaki Taiao

#### Agreed action points:

- Working Party members agreed that the record of actions was an accurate reflection of the meeting.
- Disclosures – no conflicts of interest were disclosed.

### Receipt of Action Sheet (Item 4.2)

**Presented by:** Ruben Wylie, Pou Tiaki Taiao

#### Agreed action points:

Natural Resources Working Party  
29 August 2023

- Working Party members agreed that the record of actions was an accurate reflection of the meeting.

### **Draft Review of the Regional Policy Statement (Item 4.3)**

**Presented by:** Ingrid Kuindersma, Policy Planner

**Recommendations:**

1. That the report "Draft Review of the Regional Policy Statement" prepared by Ingrid Kuindersma, Policy Planner be received.
2. That the working party support the finalisation of the draft report and recommend to council that the RPS review report is adopted for publication on the council website.

**Agreed action points:**

- Working Party in support and endorsed the recommendations.
- That an Executive Summary be developed for Council.

### **Poplar and Willow Nursery Investment Options (Item 4.4)**

**Presented by:** John Ballinger, Land Programme Manager

**Recommendations:**

1. That the Natural Resources Working Party Endorse Option 1 as set out in this report which involves committing to remaining at existing nursery site and investing in re-planting stool beds and developing infrastructure using existing capital budgets.

**Agreed action points:**

- Natural Resources Working Party Endorse Option 3 as recommended option.
- That staff workshop Option 3 to find a new nursery site, investing only in essential H&S Improvements with council and report back at a future Working Party meeting.

*Secretarial note: Staff to explore the most cost-effective method to increase production.*

### **Terms of Reference Review (Item 4.5)**

**Presented by:** Ruben Wylie, Pou Tiaki Taiao

**Recommendations:**

1. That the Natural Resources Working Party provide feedback in respect of the operation of the Working Party and its terms of reference.
2. That any feedback be noted and provided to the Chief Executive Officer

**Agreed action points:**

- Working Party in support and endorsed the recommendations.

### **Whangārei harbour algae bloom update (Item 4.6)**

**Presented by:** Jason Donaghy, Natural Resources Monitoring Manager

Natural Resources Working Party  
29 August 2023

**Recommendations:**

1. The report 'Whangārei harbour algae bloom update' by Richard Griffith, Coastal Scientist and Jason Donaghy, Natural Resources Monitoring Manager and dated 21 August 2023, be received.

**Agreed action points:**

- Working Party in support and endorsed the recommendations.
- NRC to discuss with Comms team around proactive release of information, prioritising relationship with mana whenua.

**Soil Conservation Strategy Presentation (Item 4.7)**

**Presented by:** Ruben Wylie, Pou Tiaki Taiao

**Agreed action points:**

- Staff supported to proceed and report back at future Working Party meetings.

**Science Communications Strategy - Issues and Options Presentation (Item 4.8)**

**Presented by:** Ruben Wylie, Pou Tiaki Taiao

**Agreed action points:**

- The Working Party is supportive and looks forward to briefing on next steps.
- Staff to report back at future Working Party meeting.

**Whakamutunga (Conclusion)**

The meeting concluded at 12 noon.

**TITLE:**                    **Receipt of Action Sheet**

**From:**                    Sandra Harris, Personal Assistant - Pou Tiakai Taiao

**Authorised by**            Ruben Wylie, Pou Tiaki Taiao, on  
**Group Manager/s:**

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### **Whakarāpopototanga / Executive summary**

The purpose of this report is to enable the meeting to receive the current action sheet.


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### **Nga mahi tutohutia / Recommendation**

That the action sheet be received.

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### **Attachments/Ngā tapirihanga**

Attachment 1: Receipt of Actions - March 2024 [↓](#) 

Natural Resources Working Party– Schedule of Actions

Meeting date	Item	NRWP action	Responsible staff	Status	Notes
21 February 2023	Plantation Forestry – Overview of regulatory initiatives (Item 4.4)	Agreed next step is to consider potential controls for plantation forestry as part of the Fresh Water Plan Change workshops and revisit topic to cover matters outside of scope of the plan change.	Justin Murfitt	Completed	Presented through workshops on Freshwater Plan Change.
21 February 2023	Update on lake Ōmāpere Trust MOU (Item 4.5)	Working party request workshop needed for counsel to raise base knowledge of governance in respect of the history on understanding the lake.	Jason Donaghy	In progress	A verbal update to be made to presented to Working Party March 2024
02 May 2023	Harbour Remediation Business Case Proposed Scope (Item 4.4)	That staff prepare a report to council to confirm the business case framework set out in this report and the recommendation of Natural Resources Working party in respect of the preferred location for the business case	Ruben Wylie	Completed	Presented to Council 27 June 2023
		That staff report to the August Natural Resources Working Party meeting to provide an update on progress with the business case development	Ruben Wylie	In progress	
29 August 2023	Poplar and Willow Nursery Investment Options (Item 4.4)	That staff workshop Option 3 to find a new nursery site, investing only in essential H&S Improvements with council and report back at a future Working Party meeting. Staff to explore the most cost-effective method to increase production.	John Ballinger		To be presented to Council 28 November
29 August 2023	Whangārei harbour algae bloom update (Item 4.6)	Staff to discuss with Comms team around proactive release of information, prioritising relationship with mana whenua.	Jason Donaghy	In progress	

**TITLE:** Fish Passage Action Plan

**From:** Alison Newell, Policy Specialist and Alexandra Ashkettle, Environmental Monitoring Officer - Fish Passage

**Authorised by Group Manager/s:** Ruben Wylie, Pou Tiaki Taiao, on 11 March 2024

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### Whakarāpopototanga/Executive summary

There are tens of thousands of instream structures which may pose a barrier to fish passage in Te Taitokerau. Whilst there are existing rules in the Regional Plan which are designed to prevent new structures from creating barriers to fish passage, and conditions for existing instream structures, compliance and enforcement require ongoing effort. There is also a proposed new policy in the draft freshwater plan change that also seeks to remediate existing barriers to fish passage where that is detrimental to taonga species, recommended by the Tangata Whenua Water Advisory Group (TWWAG). The National Policy Statement Freshwater Management 2020 (NPS-FM) also has clauses that specifically relate to fish passage, including requiring councils to publish a Fish Passage Action Plan (FPAP) as soon as practicable.

This paper outlines the work that council has been doing in this space, and the process that council is proposing to follow to develop a FPAP by December 2024. This includes council's proposed approach for involving tangata whenua in the development of the FPAP, and its decision-making on the FPAP, noting that involvement of tangata whenua in the implementation of the FPAP will require further consideration as part of the Long Term Plan (LTP) process.

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### Ngā mahi tūtohutia/Recommended actions

1. That the report 'Fish Passage Action Plan' by Alison Newell, Policy Specialist and Alexandra Ashkettle, Environmental Monitoring Officer - Fish Passage and dated 8 February 2024, be received.
2. That the Natural Resources Working Party endorse the proposed approach to involving tangata whenua in the Fish Passage Action Plan project (Attachment 1) to council.

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### Tuhinga/Background

There are tens of thousands of instream structures across the region which pose as barriers to fish passage. Many of these are culverts associated with roading and other infrastructure such as stormwater, water supply and wastewater networks and rail.

Most of these have been constructed in the past 50 years, so the long-term impact of these structures to fish populations is unknown, but we already know that instream barriers to fish passage have contributed to decline in fish abundance and diversity, including species that are important for mahinga kai and recreational fishing as well as endangered species. Recent work in the Whangarei catchment found that up to 80% of known instream structures cause an impediment to fish passage to some extent. Many of our waterways have multiple structures, with the first barriers being at the CMA boundary or river/stream mouths, and others extending up into the catchment. This requires a coordinated and prioritised approach to remediation.

There are rules in the operative regional plan which include fish passage and notification of council as a condition for permitted activity instream structures such as culverts, however there are issues with enforcement and compliance. There are also existing regulations under the National Environmental Standards (Regulations) 2020 and Freshwater Fisheries Regulations 1983 which relate

to activities in the beds of waterways and their potential impacts on fish passage. None of these regulations address identification and prioritisation for remediation or removal of existing barriers to fish passage.

Research being undertaken currently in New Zealand shows that remediation methods such as fish ladders or ropes are not effective in providing for fish passage. Work done in Australia shows that the most effective way to enable fish passage is to replace or realign the existing structure or where this is not possible, to put in place proven engineering solutions<sup>1</sup>, which are incredibly costly.

### **Fish Passage Action Plan**

The current National Policy Statement – Freshwater Management (2020) includes specific requirements<sup>2</sup> relating to council publishing a Fish Passage Action Plan (FPAP) “as soon as practicable”. Recognising the need to support those regional councils who are less well-resourced than others, the Ministry for Environment has contracted NIWA (and Boffa Miskell) to provide ‘no cost’ technical, ecological and planning support to four regional councils to develop FPAPs, including NRC. This support runs to June 2024. MfE has also produced guidance on FPAPs<sup>3</sup>.

Part of the MfE project funding also covers pilot remediation projects with candidates being the Ruakaka weir and two Waitemarama Gorge Road ford crossings with pre and post installation monitoring to add to the knowledge of the effectiveness of remediations to fish passage barriers. The target for this work is also to spread community awareness on a successful barrier fix.

This memo and associated PowerPoint (Attachment 2) set out the proposed approach for developing a FPAP for Te Taitokerau. The intent is to adapt our approach in response to any revised policy direction that may result from review and amendment of the NPS-FM although this is not considered likely to happen within the next 12 months. The proposed timeline and approach maximises the ‘no cost’ support provided by NIWA and Boffa Miskell which is currently available to council.

Whilst any review and amendment to the NPS-FM may change the exact nature of the legislative requirements in the future, the FPAP remains a valuable document in tackling the removal or remediation of existing barriers to fish passage, and identifying the priority structures and the mechanisms to resolve each. The FPAP will provide a guideline for remediation priorities, determining those which pose the greatest barriers but also where remediation or removal would give the greatest environmental gain.

Council staff, with the support of tangata whenua experts<sup>4</sup>, NIWA and Boffa Miskell and in collaboration with the members of the Te Taitokerau Fish Passage Action Plan Working Group will develop a draft FPAP to be considered by the Natural Resources Working Party, and then approval by council for public consultation. A month-long consultation period focusing on the key stakeholders and building on existing relationships with the Primary Sector Liaison Group and tangata whenua is proposed with the intent of council being a position to approve and publish a final FPAP in December 2024.

To date the project team has focused on establishing a working group of the main stakeholders<sup>5</sup> as a key mechanism for development of the FPAP and using a toolbox developed by NIWA including

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<sup>1</sup> <https://ausfishpassage.com/project/cone-fishways-reach-significant-stage-of-development-2021/>

<sup>2</sup> Objective 3.26(1) of the NPS-FM – see Attachment 1

<sup>3</sup> <https://environment.govt.nz/publications/fish-passage-action-plan-guidance/>

<sup>4</sup> Celia Witehira and Troy Brockbank

<sup>5</sup> Te Tai Tokerau Fish Passage Action Plan Working Group: KiwiRail, Waka Kotahi, Department of Conservation, District Councils, Whitebait Connection, Fish & Game, Nga Kaitiaki o Nga Wai Māori, Northland Transport Alliance

digital modelling based on river connectivity and other changeable objectives to map out an approach for identifying and prioritizing barriers to fish passage.

#### **Proposed approach for involving tangata whenua**

There are three key areas where council can involve tangata whenua in the FPAP:

- in the co-design and development of the FPAP
- in the decision-making on the FPAP
- implementation of the FPAP

Council is currently focused on the first two being mindful of the need to consider the third, implementation, in developing and deciding on the FPAP.

Based on the recommendations of TWWAG, staff are in the process of contracting individual tangata whenua experts<sup>4</sup> to work with the project team in the co design and drafting of the FPAP. TTMAC representatives' input through the Natural Resources Working Party and TTMAC will ensure involvement of tangata whenua in the decision making on the FPAP. Updates to iwi leaders via ILGACE, and direct engagement with iwi and hapu during the consultation phase are also proposed as shown in Attachment 1.

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#### **Ngā tapirihanga / Attachments**

Attachment 1: Proposed Approach for Tangata Whenua engagement in Fish Passage Action Plan

## PROPOSED TANGATA WHENUA ENGAGEMENT APPROACH

### 1) Decision making

**Natural Resource Working Party** (Chaired by: Tui Shortland)\

Current members: Councillors: John Blackwell, Joe Carr, Geoff Crawford, and Tui Shortland; and TTMAC representatives: Geraldine Baker, Mira Norris, Nora Rameka and Lynette Wharerau

- Oversees the development of the FPAP and makes recommendations to council on its adoption

**Te Taitokerau Maori and Council Working Party** (Co-chaired by Tui Shortland and Pita Tipene)

- Endorses the proposed approach for tangata whenua engagement & receives updates

### 2) Development of draft FPAP

**Tangata Whenua experts** (Celia, Troy) – consultancy contracts and Nga Kaitiaki o nga Wai Māori (some remuneration provided for by MfE funding) to provide expert advice and input to the drafting and review of the Fish Passage Action Plan, including co-design/input to FPAP project planning and management

**Tangata Whenua Water Advisory Group** – oversees progress and reports to TTMAC

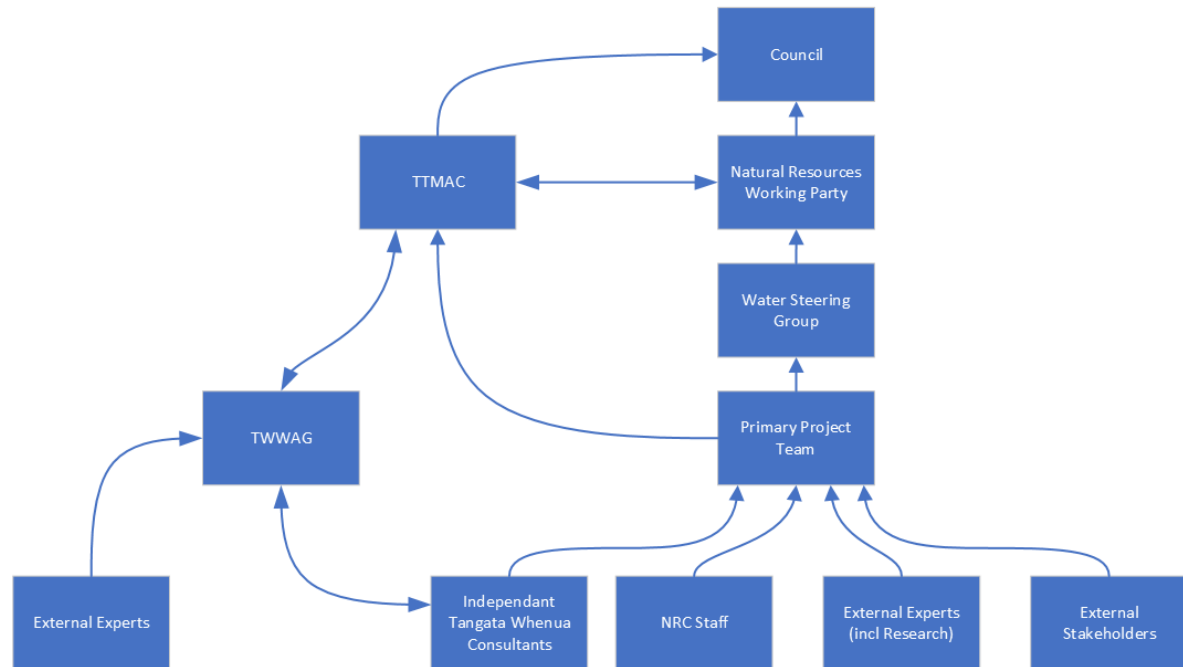
### 3) Consultation on Draft FPAP

Reports to ILGACE

Mailouts to:

- Iwi Authorities & Post-Settlement Governance Entities
- Mana Whakahono a Rohe signatories
- TTMAC members

Radio Interviews & Web-based Social Media posts & campaign targeting iwi and hapu audiences



## Memo

**Date:** 8 March 2024  
**To:** Natural Resources Working Party  
**From:** Penny Pirrit, Freshwater Farm Plan contractor  
**Subject:** Freshwater Farm Plan Regulations Implementation Update

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### **Purpose of Freshwater Farm Plans**

Part 9A of the Resource Management Act (Freshwater Farm Plans) indicates its purpose is to ‘better control the adverse effects of farming on freshwater and freshwater ecosystems within specified districts, regions, or parts of New Zealand, through the use of certified freshwater farm plans’. The Freshwater Farm Plan Regulations (the Regulations) require operators of farms, that meet the size and activity criteria, to do an on-farm freshwater risk assessment of their activities and identify actions to manage or mitigate those risks. Each freshwater farm plan (FWFP) is tailored to the individual farm based on the farm landscape, farm activities and the local freshwater catchment.

The Regulations currently require all farms over 20ha (single use or mixed) and horticulture activities over 5 ha to have a farm plan in place by 2027. A phased implementation rollout of the Regulations region by region has commenced within the Waikato, Southland, West Coast, Otago and Manawatu-Whanganui regions. Council has endorsed a phased rollout in Northland commencing 1 August 2024 but is waiting for the Order in Council to confirm that date.

### **Outcomes for Te Taitokerau/Northland**

The Council’s current strategic direction indicates that a key outcome for Te Taitokerau is:

*“Healthy waters for the environment and our people – the fresh and coastal waters of Te Taitokerau are clean and abundant, supporting a healthy environment and the needs of our people”.<sup>1</sup>*

To achieve that outcome all sectors of the Te Taitokerau community will need to reflect on their actions and take steps to avoid or mitigate current actions that lead to degradation of the region’s waterways. A FWFP is a tool that will help farm operators reflect on their contribution to improving water quality, and what they may need to do differently. FWFP also provide an opportunity to strengthen on-farm forward business planning in the face of changing climatic conditions and market access requirements. Ultimately the outcome of implementing the Regulations across Te Taitokerau should be the improvement of freshwater quality attributes/indicators across the region, the recognition and reinforcement of value for those farm operators already taking action to do the right thing, and behaviour change in those farm operators yet to recognise any adverse impacts their farm activities might be having.

### **Current situation with Implementation**

The Order in Council indicating when the Regulations apply in Te Taitokerau has not yet been signed. That process has now been delayed while central government reflects on any improvements or

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<sup>1</sup> Page 9, Northland Regional Council’s Long-Term Plan 2021-2031

efficiencies that could be made to the Regulations. The Ministry for the Environment (MfE) has indicated that any amendments to the Regulations may be known by late March/early April. Decisions over the Order in Council process would happen after that.

Farm operators have the main responsibility under the Regulations. They are required to develop a FWFP, get it certified by an independent certifier, implement their FWFP actions, and have their progress audited by an independent auditor. Both the certifier and auditor are employed directly by the farm operator. Council's role is limited to providing existing catchment context, challenges and values (CCCV) information, developing and delivering regional training for certifiers and auditors working in Te Taitokerau, monitoring the impact on freshwater bodies, and enforcing compliance with the Regulations. Council is required to engage with Tangata Whenua in the development of CCCVs and the development and delivery of regional training.

Due to the uncertainty over amendments to the Regulations, staff are not undertaking any FWFP external engagement or communications, other than to put a holding message on the Council's website. Internally, staff are progressing work on three key workstreams:

- **Catchment Context, Challenges and Values (CCCV)** – The Regulation require regional councils to identify and make available existing information and data sets held by them for inclusion in the CCCV information for each FMU and developing a concept of what that information might look like on the NRC website, and if printed. The information required by the Regulations covers matters such as landforms, soil, climate, freshwater data as well as sites and species significant to tangata whenua and/or communities.
- **Regional Training** - the Regulations require each regional council to develop regional training content specific to their region which every FWFP certifier and auditor will be required to complete and pass before doing any work in a region. The training must be complementary to the national training being run for MfE by AsureQuality and regional councils are required to engage with tangata whenua on the development and delivery of that training.
- **Enabling Behaviour Change** – While not a requirement of the Regulations achieving sustained behaviour change in farm operators is vital if the desired outcomes for freshwater in Te Taitokerau are achieved. This workstream is investigating options to enable/encourage positive behaviour change in farm operators, so that actions promoting freshwater quality outcomes become part of standard farm activities. The 4 E's framework – educating, engaging, enabling and enforcing – is being used to inform those options. Part of that consideration will be how any future E-Fund may support behaviour change. The workstream will also be looking at the contribution external parties (e.g., primary sector organisations, central government) can make towards behaviour change and adoption of the FWFP process. A potential package of actions will be reported to Council in the second quarter of this year.

All three workstreams are currently considering what further funds (in addition to the budget recently approved by the Council) will be required to implement and maintain the FWFP programme pre and post the initial rollout of the Regulations. A report to Council on that matter will be reported to the Council in the second quarter of this year.

### Key Risks

There are several risks in the implementation of the Regulations in Te Taitokerau. The main ones are set out in the below table.

Potential risk	Mitigation
Impact of any changes to the FWFP Regulations by central government.	<ul style="list-style-type: none"> <li>• Monitor situation and keep implementation group and stakeholders informed as required.</li> <li>• Keep dialled into regional sector/Te Uru Kaheka discussions.</li> </ul>
Timeframes will not enable adequate iwi/hapū input meaningfully into the CCCV development.	<ul style="list-style-type: none"> <li>• The CCCV approach is about building ongoing relationships that will enhance the CCCVs over a 5-year period (ready for next iteration of FWFP). Therefore a two-pronged approach will be followed.</li> <li>• First prong - in the short term, existing iwi/hapū data held by NRC is identified, checked with the originating iwi/hapū that it can be used, and if approval given, used to inform CCCV development.</li> <li>• Second prong - have discussions with iwi/hapū on how NRC can work with them to provide better information for CCCVs over the next 5 years (it is up to individual iwi and hapū to decide if they wish to do this).</li> </ul>
No or minimal iwi/hapū input into regional training. Deficit in Te Aō Māori and cultural values for auditors and certifiers.	<ul style="list-style-type: none"> <li>• Recognise that Te Taitokerau is a diverse region with major challenges in engaging across the region with all hapū to develop regional training.</li> <li>• Use tangata whenua technical advisor(s) to develop/deliver regional training modules.</li> <li>• Point to national training modules on Te Tiriti o Waitangi and its application to freshwater farm planning; Te Ao Māori, Te Mana o Te Wai and other key concepts –avoid regional training duplicating national training.</li> <li>• Use information that Te Taitokerau hapū provided as part of the draft freshwater policy plan change process to inform development of the training.</li> </ul>
Farm operators with minimal knowledge of Regulations and with little experience in engaging with NRC.	<ul style="list-style-type: none"> <li>• Communications and engagement tailored to experience/knowledge within different sectors/individuals (informed vs uninformed).</li> <li>• Keep messages simple and clear, don't overload farm operators with too much information, make it easy to get the right information.</li> <li>• Learn from experience in other regions.</li> <li>• Action enabling behaviour change workstream.</li> </ul>



# Natural Resources Working Party

## Freshwater Farm Plan Regulations Implementation Update



# Freshwater Farm Plan Regulations

- Part 9A of the Resource Management Act
- Freshwater Farm Plan Regulations
  - Qualifying farms must have a certified freshwater farm plan(FWFP) within 18 months of regulations rollout in area.
  - Farm operator has a statutory obligation and responsibility for getting a FWFP drawn up and certified, and audited
  - Farm operators must directly pay for that work, impact will be creation of a market for FWFP developers, certifiers and auditors.



# Freshwater Farm Plan Regulations

- Gazetted in June 2023
- Requires farm operator to actively manage impacts of operations on water quality – responsible for planning and implementing actions
- Imposes clear and enforceable processes with checks and balances by way of certification and audits
- Fines for non-compliance with aspects of the Regulations
- Greater role for tangata whenua providing the context for FWFP and working with regional councils on training and monitoring.
- Currently being implemented in Southland, Waikato, West Coast, Otago and Manawatu-Wanganui regions



## Freshwater Quality Outcomes for Te Taitokerau

The Council's current strategic direction indicates that a key outcome for Te Taitokerau is:

*“Healthy waters for the environment and our people – the fresh and coastal waters of Te Taitokerau are clean and abundant, supporting a healthy environment and the needs of our people”.*

Page 9, Northland Regional Council's Long-Term Plan 2021-2031



## Rollout of Regulations in Te Taitokerau

- August 2023 Council agreed to a programme of rolling out the Regulations across the 13 Freshwater Management Units – starting on 1 August 2024.
- Commencement of rollout requires Order in Council approved by Cabinet and Governor General – was to occur in November 2023 but delayed.
- Central Government currently considering amendments to the Regulations to improve efficiencies and flexibility.
- Announcement on any amendments late March/early April...
- Order in Council likely to occur after any amendments.



## FWFP Implementation programme continuing

- MfE has advised that the Regulations are to be improved not repealed.
- Regional sector advice is to progress internal work and leave external engagement/communication until after amendments known.
- Likely that councils will get short notice of when Order in Council signed.
- Staff are progressing three workstreams in the interim
  - Catchment context, challenges and values information
  - Regional training content
  - Enabling behaviour change



## Catchment Context Challenges and Values (CCCV)

- FWFP Regulations require regional councils to prepare CCCV information to help farm operators identify risks their activities pose to freshwater quality.
- Data and information to be sourced from existing records regional councils hold
- Workstream has identified data sets to be used and is now developing a concept and storybook approach to final CCCV information.
- Aim is to not to overwhelm farm operators with too much information – only provide what is critical to freshwater quality risk identification
- Easier it is to access and understand – more likely farm operators will use it.



## Regional Training Content

- Certifiers and auditors who assess and audit FWFPs must successfully complete both national and regional training.
- Regional councils must develop regional training on CCCV information, and on the competencies required of certifiers and auditors.
- Regional councils must engage with tangata whenua on the development and delivery of regional training.
- Workstream working closely with CCCV team as data sets will inform training topics.
- The national training provider AsureQuality will take the regional content and turn it into an online module.
- Certifiers and auditors will also need to attend a Te Taitokerau specific workshop/hui.



## Enabling Behaviour Change

- FWFPs are a key tool for achieving the desired freshwater outcomes for Te Taitokerau.
- Behaviour change is fundamental in achieving lasting and sustainable freshwater quality improvements across Te Taitokerau.
- There is a role for NRC, and other agencies to work together to provide a package of actions that support farm operators to develop and implement FWFPs.
- Workstream currently considering range of actions that may impact on Farm Operator behaviour
- Using the 4 E's framework to develop package of actions – Educate, Engage, Enable and Enforce



## Key Risks and mitigations

- Uncertainty over impact and timing of any amendments to the FWFP Regulations.
- Current timeframes and complex iwi/hapū landscape in Te Taitokerau make it challenging to engage on CCCV content and regional training development and delivery in the short term. Opportunities for better engagement in longer term.
- Identifying and working with farm operators who do not usually engage with NRC and who may not know about the FWFP Regulations.



## Reporting to Council

Proposing to report back to Council in second quarter of this year on:

- A proposed package of actions to enable behaviour change.
- Any requirement for further funding (beyond that recently approved).
- Any amendments to the FWFP Regulations, and Order in Council process.



Any questions?



## Memo

**Date:** 6 March 2024

**To:** Natural Resources Working Party

**From:** Tami Woods, Policy and Planning Manager and Ingrid Kuindersman, Policy Planner

**Subject:** Resource Management Reforms

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### Purpose

To provide the Natural Resources Working Party:

1. The best information we have available about reforms to the Resource Management system underway or planned; and
2. Confirm our process for advising Council of reform changes being proposed and responding in an environment where we have very are being given very little time to respond.

The Government has made a commitment to make changes to the resource management system. Some of these changes, such as the repeal of the Natural Build and Environment Act 2023 and Spatial Planning Act 2023, have already been actioned. A summary of changes underway, already actions or planned are summarised in the presentation attached to this report. Staff will be available to discuss what we know about each of the changes.

Owing the pace at which the Government is actioning the changes set down in its 100 day plan, not much information is available in respect many of the upcoming changes. Often when staff are made aware of a proposal, very little time is available to present feedback to Government officials. Two key changes that are underway is the Fast Track Consenting proposal and a proposal to extend the expiry of marine farming consents by 25 years. Detail of both proposals are very sparse.

With regard to the marine farming consent extension proposal, staff provided feedback on this proposal on Monday 4 March. Very little time was made available to give feedback and staff acknowledge the implications of the proposal. The staff feedback is attached to this report.

It was made clear through the process for giving feedback to the marine farming consent extension proposal, that the Government will be seeking very quick turnaround times for some of the changes being considered with very limited windows for feedback.

Attachment 1



# Central Government Resource Management Reforms - Update



Attachment 1

# Resource Management Reform – Shifting Sands

Natural and Built Environment Act 🚫

Spatial Planning Act 🚫

Climate Change Adaptation Bill ?

## Resource Management Act 1991

### National Policy Statements

Freshwater Management

- Review and replace in the parliamentary term
- 3-year extension to notify plans to implement NPS FM
- Review hierarchy in Te Mana o te Wai to apply to decisions on resource consents

Indigenous Biodiversity

- Cease work on Significant Natural Areas (SNAs)
- Further changes expected to makeup of NPS IB
- Will have consequence for plans that currently map SNAs

Urban Development

- Work on National's Going for Housing Growth policy, to expand housing supply, build infrastructure and give councils flexibility over mix density standards

Renewable Electricity

- Begin efforts to double renewable energy production

### Fast track Consenting

- Interim fast track provisions of NBA retained for specified infrastructure and housing
- New fast track consenting process in a 'stand-alone' Act within 100 days
- Apply to local, regional and national projects of significance
- Allows Ministers to approve projects and refer to expert panel to apply conditions
- Limited ability to decline projects

### Aquaculture

- Extend duration of existing consents for marine farming

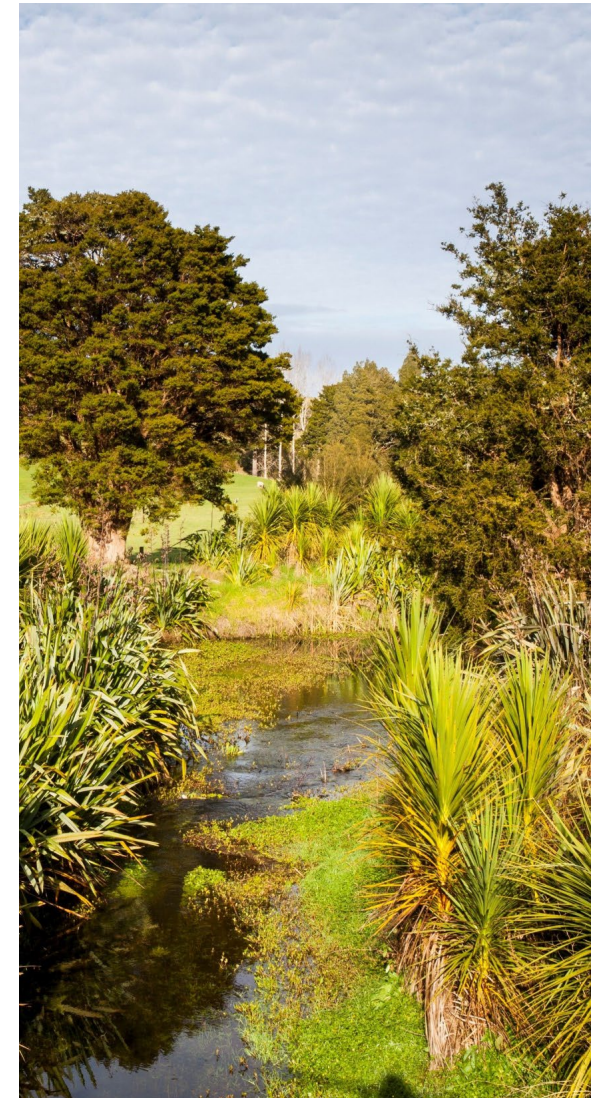
### Further Reform

- New resource management laws premised on the enjoyment of property rights as a guiding principle'

Attachment 1

# Other

- Freshwater Farm Plans
  - Review to ensure cost effective and pragmatic for farmers
- Three waters repeal / reform
- Potential changes to National Environmental Standards??



Attachment 1

# Northland

## REGIONAL COUNCIL

Te Kaunihera ā rohe o Te Taitokerau



[www.nrc.govt.nz](http://www.nrc.govt.nz)



4 March 2024

[AquaculturePolicy@mpi.govt.nz](mailto:AquaculturePolicy@mpi.govt.nz).

Kei te rangatira, tēnā koe,

#### **Extending the duration of existing consents for marine farming**

This email serves to provide feedback from Northland Regional Council staff regarding the Ministry's proposal to extend existing marine farm consent durations by an additional 25 years. Unfortunately, Northland Regional Council was not formally notified of this proposal. Due to the limited timeframe for feedback, we are unable to provide detailed input. However, we have collated the following information to inform decision-making on this important kaupapa.

Northland is home to 272 hectares of marine aquaculture, producing Pacific Oysters and Greenshell Mussels for domestic and international consumption. While aquaculture's contribution to the national GDP is relatively small compared to other industries in the region, it has significant potential for growth. We recognise the benefits certainty provides the industry; however, we have several concerns that we would like the Ministry to consider:

1. **Implications for Te Tiriti Partners and the Wider Community:** Extending marine farming resources consent by 25 years through an RMA amendment has major implications for our Te Tiriti partners and the wider community.
2. **Regional Plan and Resource Consent Renewals:** Northland Regional Council has collaborated with the aquaculture industry and the community to develop an RMA plan for managing and growing aquaculture in Northland. All parties reached an agreement on these provisions in 2023. A 25-year extension would bypass the anticipated outcomes outlined in those provisions.

Under the new Regional Plan, renewing a resource consent for aquaculture is typically a controlled activity. The plan provides industry certainty while allowing for the review and adjustment of resource consent conditions where necessary. However, if the draft proposal is implemented, it may result in insufficient financial bonds. The use of bonds for marine aquaculture is widespread in Northland and seeks to manage risks associated with abandoned marine farms.

Bonds for all marine farms in Northland were reviewed, all at once, some years ago to place standard bond conditions on them. While some of the issues arising from a blanket 25-year extension could be managed in other regions by evoking a review of consent conditions, in Northland the ability to review conditions for bonds was



limited to 2014 and 2019 only. If the draft proposal is implemented, it may result in insufficient financial bonds as they cannot be inflation-adjusted.

There is a real risk that the current proposal will result in the government and regional council will footing the bill to remediate abandoned marine farms in Northland.

3. **Aquaculture in the common coastal marine area:** Given that aquaculture in Northland largely operates in public space (specifically the common coastal marine area) and that marine farmers are part of our communities, social licence to operate is important. However, the current proposal bypasses the opportunity for public input and assessment of environmental effects. This deficiency is unlikely to foster community support for aquaculture and is not helpful for growth of the aquaculture industry in Northland.

Additionally, the proposal extends the expiry date of several abandoned marine farms by 25 years. Ordinarily, resource consent for these farms would expire in 2025, and the space could be reallocated. The Ministry may wish to exclude these farms from the proposal. Council staff are willing to engage with the Ministry to resolve this issue and can provide details of abandoned farms if the Ministry is inclined to exclude them from the proposal via reference.

Furthermore, the proposal extends the consent duration for some farms that are significantly non-compliant with consent conditions. 27. Marine farms with a history of non-compliance should not stand to benefit from a universal 25-year extension.

Northland Regional Council would welcome the opportunity to work with Ministry to resolve any of the matters raised. Please feel free to contact us via email ([michaelpa@nrc.govt.nz](mailto:michaelpa@nrc.govt.nz)) or phone on 0800 002004.

**Michael Payne**  
**Policy Specialist**

## Memo

**Date:** 8 March 2024

**To:** Natural Resources Working Party

**From:** Clark Ehlers, Enforcement Specialist Regulatory Services

**Subject:** Vehicle exclusion zones and conditional use of vehicles on the foreshore and seabed

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### **Purpose:**

This paper sets out our proposed approach to implementing compliance, monitoring and enforcement of the new vehicle exclusion zones in the Proposed Regional Plan (Rule C.1.5.1 *Conditional use of vehicles on the foreshore or seabed*) and to provide an update to the implementation of the plan.

### **NRC's compliance, monitoring and enforcement strategic approach**

We strive to provide efficient and effective compliance monitoring of the rules in the Proposed Regional Plan, and regulations and conditions set in resource consents under the Resource Management Act. Our priorities are to communicate effectively with resource users, stakeholders and communities and implement suitable responses and effective enforcement where appropriate.

### **Our key objectives to implement the new vehicle exclusion rules.**

1. We will seek to educate and inform users of the impacted beaches of the new rules through communication campaigns in the first instance. The new rules need to be socialised.
2. We will work collaboratively with the Department of Conservation, iwi/hapū, territorial authorities and stakeholder groups to engage, drive awareness and maximise compliance with the new rules.

### **High-level actions towards implementing a compliance monitoring plan.**

Align compliance monitoring activities with communication campaigns to educate. Allow reasonable periods for messaging to reach impacted communities.

Education and awareness are our initial priorities and support from the NRC Communications team is critical to achieving the outcomes.

Support from our Māori Relationships team to engage local iwi/hapū on exclusion areas in their rohe.

We will place or update signage at key impacted beaches – this is subject to budget availability.

We will establish systems for recording and responding to incidences. This will include responding to phone calls coming in through the environmental hotline and recording relevant information from incident reporters, including locations and registration number of vehicles.

### **Progress status: March 2024**

1. Letters of notification to registered vehicle owners.

We have received 17 notifications between 28 November 2023 and 6 March 2024 via our environmental hotline about vehicles sighted on impacted beaches. The beaches are Ruakākā (Whangārei District), Puheke (Far North), Langs Beach (Whangārei) and Mangawhai (Kaipara).

We have issued letters to each of the registered vehicle owners informing them of the rules, including a map of the vehicle exclusion zone that applies to that beach. This approach will run concurrent with a communications angle to inform and educate members of the public about the new rules. We will consider further enforcement action should repeat rule breakers be identified through this process. These incidences are recorded in Iris. A process map in Process Manager has been drafted to support information gathering when we receive calls about vehicles sighted in exclusion zones.

## 2. Working group within NRC.

A small working group has been established within council to address various components of the delivery of the vehicles on beaches rules. Staff from the Communications, Māori Relationships, Policy and Planning, Biodiversity and Compliance teams are in the working group. The following workstreams are supported by staff from the different areas. The group has decided to initially focus on three geographic areas for the purpose of targeted communications and signage – the three areas are also where most notifications from members of the public have come from regarding rule breakers: Bream Bay (Ruakākā, Waipu and Langs Beach); Mangawhai and Puheke Beach (Karikari Peninsula).

### a. Communications

High-level information about the new rules have been published on the NRC website: <https://www.nrc.govt.nz/environment/coast/driving-on-the-beach/vehicle-restricted-areas-on-beaches/>

The communications team is working on a general communications approach to put useful information in the public domain about the new rules. A more targeted approach for the three focal areas will follow once we have a better understanding of signage requirements.

### b. Signage and working collaboratively with district councils and the Department of Conservation

The NRC GIS team has created a viewer in GIS from NRC, Whangarei District Council and DOC shape files to show where there are vehicles on beaches restrictions and to identify overlap in jurisdictions and side-by-side exclusion areas along Bream Bay (through the NRC rules, the WDC bylaw and conservation legislation). A follow-up workshop will be held this month to identify the requirements for joint signage to inform beachgoers where they cannot (or are allowed to) drive – this may include the use of QR codes on signs with interactive maps online.

We have also started working with Far North and Kaipara District Councils, as well as DOC in those districts, about vehicles on beaches restrictions at Puheke beach and Mangawhai to understand local requirements.

### c. Engagement with hapū/iwi

Follow-up communication will be sent out to iwi/hapū groups who had been consulted about the new rules in the regional plan to inform them that the rules are now operational, and council is implementing a compliance monitoring plan.

## Attachments:

nil