

**Planning and Regulatory Working Party**  
**Tuesday 2 August 2022 at 1.00pm**

**AGENDA**

## Planning and Regulatory Working Party Agenda

Meeting to be held in the Tutukaka Room  
36 Water Street, Whangārei  
on Tuesday 2 August 2022, commencing at 1.00pm

**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

	Chair, Councillor Joce Yeoman	
Cr Justin Blaikie	Cr Colin Kitchen	Cr Amy Macdonald
Cr, Ex Officio Penny Smart	TTMAC representative Mira Norris	TTMAC representative Pita Tipene
TTMAC representative Juliane Chetham	TTMAC Representative Rowan Tautari	Ngātiwai Trust Board, William Sullivan

### KARAKIA

### RĪMITI (ITEM)

Page

#### 1.0 NGĀ MAHI WHAKAPAI/HOUSEKEEPING

#### 2.0 NGĀ WHAKAPAHĀ/APOLOGIES

Pou Whakaritenga - GM Regulatory Services

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

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**TITLE:** **Record of Actions**

**From:** Rachael King, Planning and Policy Administrator

**Authorised by** Ben Lee, Planning and Policy Manager, on  
**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 held on 1 March 2022 for review by the meeting.

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### Attachments/Ngā tapirihanga

Attachment 1: Record of Actions - 1 March 2022 [↓](#) 

Planning and Regulatory Working Party  
1 March 2022

## Planning & Regulatory Working Party Record of Actions

Meeting held via Zoom video and teleconferencing  
on Tuesday 1 March 2022, commencing at 1.00pm

<b>PRESENT:</b>	CR JOCE YEOMAN	CHAIR
	CR AMY MACDONALD	
	CR COLIN (TOSS) KITCHEN	
	CR JUSTIN BLAIKIE	
	CR PENNY SMART	EX-OFFICIO
	ROWAN TAUTARI	TTMAC REPRESENTATIVE
	MIRA NORRIS	TTMAC REPRESENTATIVE
<b>IN ATTENDANCE:</b>	<b>FULL MEETING</b>	
	JONATHAN GIBBARD	GM - ENVIRONMENTAL SERVICES
	COLIN DALL	GM - REGULATORY SERVICES
	BEN LEE	PLANNING & POLICY MANAGER
	JUSTIN MURFITT	STRATEGIC POLICY SPECIALIST
	JASON DONAGHY	NATURAL RESOURCES MONITORING MANAGER
	BRENDA BAILLIE	POLICY SPECIALIST
	MICHAEL PAYNE	POLICY SPECIALIST
	INGRID KUINDERSMA	POLICY PLANNER
	RACHAEL KING	PLANNING & POLICY ADMINISTRATOR (MINUTES)

### THE CHAIR DECLARED THE MEETING OPEN AT 1.01PM

#### 1.0 KARAKIA TIMATANGA

CR JOCE YEOMAN

#### 2.0 NGĀ WHAKAPAHĀ | APOLOGIES

APOLOGIES FROM TTMAC REPRESENTATIVE JULIANNE CHETHAM, CEO MALCOLM NICOLSON AND TESS DACRE WERE RECEIVED, AS WELL AS FROM CR JUSTIN BLAIKIE FOR LATENESS.

#### 3.0 DECLARATIONS OF INTEREST

IT WAS ADVISED THAT MEMBERS SHOULD MAKE DECLARATIONS ITEM-BY-ITEM AS THE MEETING PROGRESSED.

#### 4.0 NGĀ RIMITI | ITEMS

##### 4.1 RECORD OF ACTIONS

- TAKEN AS READ

1.08PM – CR JUSTIN BLAIKIE JOINED THE MEETING

Planning and Regulatory Working Party  
1 March 2022

#### **RECEIPT OF ACTION SHEET**

- CR YEOMAN ADVISED THAT SHE HAD MET WITH CHAIR SMART AND THAT, GIVEN THE STATUS OF THREE WATERS AND THE IMPENDING CHANGES, IT IS CONSIDERED THAT THERE IS NO BENEFIT IN ADDRESSING WASTEWATER TREATMENT ISSUES AGAIN WITH TAS AT A GOVERNANCE LEVEL AT THIS TIME – MARK AS COMPLETED.
- DISCUSSION TOOK PLACE REGARDING ONGOING ISSUES WITH WASTEWATER DISCHARGE TO WATER FROM MUNICIPAL PLANTS, WHICH INCLUDED THE PROCESS FOR THE UPCOMING WATER PLAN CHANGE.
- JONATHAN GIBBARD ADVISED THAT THE TWWAG TOR SPECIFICALLY STATES THAT THEY DO NOT SPEAK FOR HAPŪ AS THEY ARE AN ADVISORY GROUP – THEY ALSO HAVE A DELIVERABLE TO PROVIDE ADVICE, THROUGH TTMAC, ON HOW TO ENGAGE WITH TANGATA WHENUA ON THE PLAN CHANGE.
- COLIN DALL ADVISED THAT COUNCIL IS CONSIDERING TAKING ENFORCEMENT ACTION AGAINST ONE OF THE LARGER MARINE FARM CONSENT HOLDERS THAT DO NOT HAVE A BOND (OR SUITABLE ALTERNATIVE) IN PLACE – UPDATE ACTION SHEET AND FOLLOW UP AT NEXT MEETING.

#### **AGREED ACTIONS:**

- BEN LEE TO LIAISE WITH CR BLAIKIE REGARDING HOW TO FEED INTO PLANNING PROCESS AND HOW BEST TO CONNECT THE TAKIWĀ OF THE SOUTHERN HOKIANGA WITH COUNCIL'S WATER PLAN CHANGE.
- PROCESS UPDATE TO BE INCLUDED THROUGH THE NEXT TTMAC PANUI RE TWWAG TIMEFRAMES AND HOW THIS WILL INCLUDE CONSULTATION.
- DELETE THE VAGUE ACTION REGARDING APPEALS.

*SECRETARIAL NOTE: THE ORDER OF THE AGENDA ITEMS WAS CHANGED IN ORDER TO ACCOMMODATE MEMBERS OF THE GROUP*

#### **4.3 REGULATORY SERVICES WORK REPORT**

- TAKEN AS READ
- CR YEOMAN ADVISED OF SEVERAL COMPLAINTS SHE HAS RECEIVED REGARDING EARTHWORKS AND VEGETATION CLEARANCE AND PROBLEMS WITH SEDIMENTATION GOING INTO WATERWAYS – IT HAD PREVIOUSLY BEEN SUGGESTED THAT EDUCATION OF CONTRACTORS WOULD TAKE PLACE.
- COLIN DALL ADVISED THAT THE COMMUNICATIONS ARE ALMOST READY TO GO, HOWEVER, AWAITING CONFIRMATION OF SOME RULES (THROUGH THE PRP APPEALS PROCESS) WHICH IS HOLDING THINGS UP.
- BEN LEE ADVISED THAT THE EARTHWORKS RULES HAVE BEEN SETTLED, BUT THAT LAND PREPARATION RULES ARE STILL AWAITING SETTLEMENT.
- CR KITCHEN ASKED ABOUT COMMUNICATIONS REGARDING BURNING RUBBISH – MICHAEL PAYNE ADVISED THAT WE RUN COMMS ON BURNING IN EARLY AUTUMN EVERY YEAR REMINDING PEOPLE ABOUT THE RULES AND GOOD PRACTICE, WHICH SHOULD BE GOING OUT ONLINE AND IN PAPERS OVER THE NEXT MONTH OR SO.

#### **AGREED ACTION:**

- COLIN DALL TO CONFIRM COMMUNICATIONS TO CONTRACTORS / LAND OWNERS ONCE ALL RELEVANT RULES ARE SETTLED.

Planning and Regulatory Working Party  
1 March 2022

#### **4.2 PLANNING & POLICY WORK PROGRAMME**

- TAKEN AS READ.
- BEN LEE HIGHLIGHTED COUNCIL'S INVOLVEMENT IN THE RECENT MANGAWHAI PLAN CHANGE FOR NEW DEVELOPMENT, WHICH RESULTED IN A POSITIVE OUTCOME.
- CR SMART ADVISED THAT THE REGIONAL BIODIVERSITY STRATEGY WENT TO BIODIVERSITY WORKING PARTY LAST WEEK AND THE RECOMMENDATIONS (TO FOCUS ON A COUNCIL-ONLY BIODIVERSITY STRATEGY AS AN INTERIM STEP) WERE ACCEPTED.
- DISCUSSION TOOK PLACE REGARDING THE INCREASING AMOUNT OF WORK COMING FROM WELLINGTON AND ITS IMPACT ON THE TEAM.

#### **4.4 PROPOSED REGIONAL PLAN – APPEALS UPDATE**

- TAKEN AS READ.
- HIGHLIGHTED THE GOOD WORK OF STAFF INVOLVED ON STOCK EXCLUSION APPEALS.

#### **5.0 KARAKIA WHAKAMUTUNGA**

CR JOCE YEOMAN

**THE MEETING CLOSED AT 1.59PM**

UNCONFIRMED

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

**From:**                    Erica Wade, Personal Assistant - Environmental Services

**Authorised by**           Ben Lee, Planning and Policy Manager, on 26 July 2022  
**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: Action Tracker [↓](#) 

**P&R Working Party Action Tracker**

Meeting Date	Item	WLWP Action	Responsible Staff	Status	Notes
1-Mar-22	4.1 - Record of actions	Ben Lee to liaise with Cr. Blaikie regarding how to feed into planning process and how best to connect the Takiwā fo the Southern Hokianga with council's water plan change	Ben Lee	Complete	Liased with Cr Blaikie and reached out to contacts provided. Met with Hone Tiatoa, Dallas King and Zonya Rea Wherry.
		Process update to be included through the next TTMAC panui re TWWAG timeframes and how this will include consultation	Ben Lee	In progress	Working with Maori Relationships about including in next panui
1-Mar-22	4.3 - Regulatory services work report	Colin Dall to confirm communications to contractors / land owners once all relevant rules are settled	Colin Dall	In progress	Website has been updated summary and guidance on new rules effecting farmers.



**TITLE: Regulatory Services Work Report - July 2022**

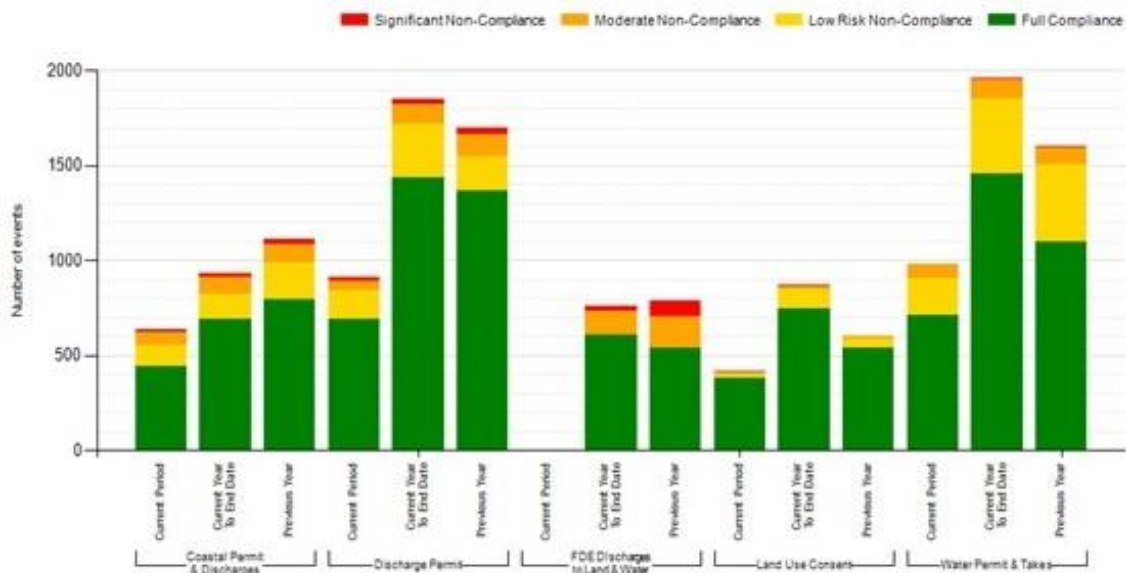
**From:** Tess Dacre, Compliance Monitoring Manager and Cathy Orevich, Compliance Monitoring Manager - General

**Authorised by Group Manager/s:** Tess Dacre, Compliance Monitoring Manager, on 26 July 2022

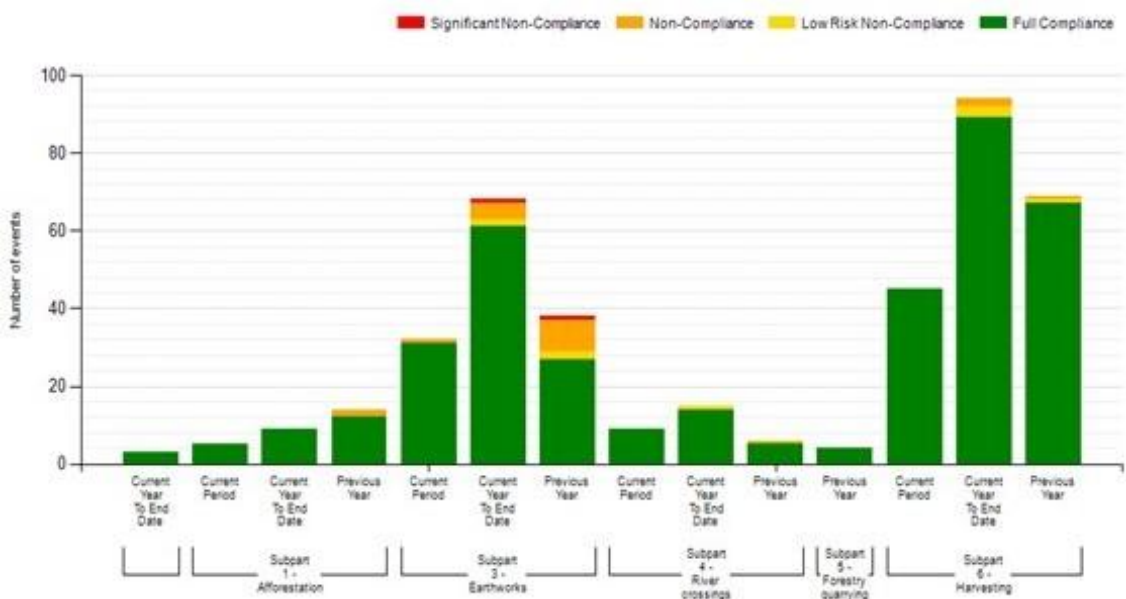
**Whakarāpopototanga | Executive Summary**

Over the period 1 February 2022 to 30 June 2022 there were 3,637 compliance activities undertaken. Of these, 34 (1%) were assessed as significantly non-compliant. These were made up of water discharges (14); coastal permits (14); coastal discharges (3); land discharges (2) and land use (1). The final 2021/22 year-end rate of significant non-compliance was 1.1%. A summary of consent compliance by consent type is shown in Figure 1 below. A summary of NES-PF compliance by subpart is shown in Figure 2 below.

*Figure 1: RMA consent compliance 1 February 2022 – 30 June 2022*

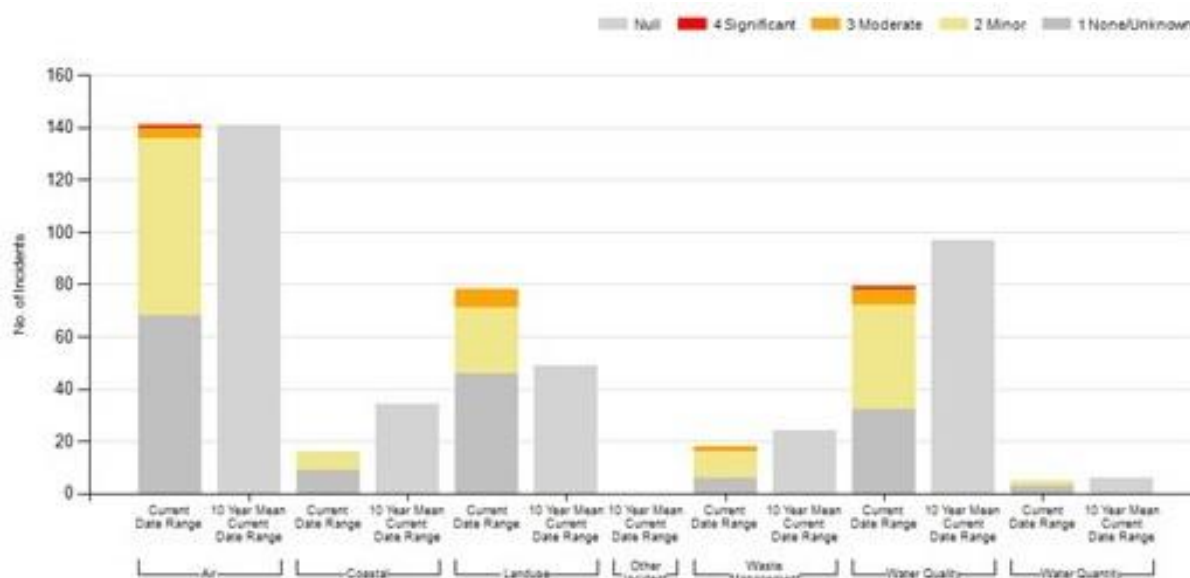


*Figure 2: NES – PF compliance 30 November 2021 – 31 January 2022*



A total of 385 environmental incidents were recorded from 1 February to 30 June 2022. The most frequent incident type was burning and smoke nuisance, which accounted for 102 (26.5%) of the incidents, followed by earthworks/vegetation clearance (51), sewage (31), “other water incident” (26), and hazardous substance spills & refuse, “other land use” and odour accounting for 24 each. A comparison of the number of incidents for the month of January is shown in Figure 3.

**Figure 3:** Incidents for February-June 2022 compared to 10 year average for same period



For the period from 1 February to 30 June 2022 compliance staff issued 57 abatement notices (13 for earthworks/land use; ten for burning and smoke nuisance; and nine each for sediment discharges and discharges to water). For the same period 23 infringement notices were issued (seven for sewage discharges; six for discharges to water and three each for burning and smoke nuisance and discharges to land).

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

1. Dumping of trade and industrial waste – Kaitaia. NRC made an *ex-parte* application to the Environment Court for interim enforcement orders which were issued on 6 November 2020. NRC continues to check compliance with the court orders. Progress by the defendant has been very slow. Charges have now been laid for non-compliance with the enforcement order.
2. Burning on industrial/trade property – Whangārei. Charges were laid in the Whangārei District Court on 27 November 2020 against an individual. Hearing was held on 25 May 2022 and the judge adjourned for filing of submissions. Submissions have been filed as per timetable. The set date for decision to be released was 4 July, however, we were notified on 29 June 2022 that the judge would not have the decision ready by 4 July and we are now awaiting a new date.
3. Farm dairy effluent – Kaitaia. Charges have been laid in relation to a discharge of farm wastewater on dates between 31 August and 8 September 2020. At the hearing on 21 February 2022 the case was adjourned for three months. Procedure under Criminal Procedure (Mentally Impaired Persons) Act was completed on 23 May 2022 with the disposition hearing, where the defendant was discharged. File now closed.
4. Asbestos removal from CMA – Whangārei. The application for an enforcement order for the recovery of costs incurred by NRC in the removal of asbestos from a boatshed. Settlement agreement and joint memorandum was signed in early June 2022 settling enforcement order for reimbursement of NRC costs for removal of the cladding. The agreement also recorded withdrawal of the defendant’s application for judicial review.

5. Earthworks and vegetation clearance in and near a wetland and the discharge of sediment – Teal Bay. Charges have been laid against one individual and three companies for alleged offences in late 2020. Disclosure was done on 21 January 2022, the joint memorandum filed on 29 June 2022 and appearance before the judge took place on 30 June 2022. The judge was happy with the agreed process and adjourned to 18 October 2022.
6. Farm dairy effluent – Hikurangi. Charges have been laid against three individuals and a family trust in relation to a discharges in November 2021. The first appearance date is scheduled for 17 August 2022.
7. Earthworks and vegetation clearance, Russell. A search warrant was executed in April 2022 to conduct a further inspection of a Russell property where earthworks and vegetation clearance had been undertaken. NRC will take emergency action under section 330(2) of the RMA for the urgent remedial works. The property owner has undertaken to co-operate and assist with the emergency works. A site visit has been arranged for 14 July 2022.

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### Ngā mahi tūtohutia | Recommended Actions

Nil – presented for information purposes only.

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### Tuhinga | Background

Not applicable.

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### Ngā tapirihanga / Attachments

Attachment 1: WWTP Table Update - July 2022 [↓](#) 













**TITLE:** **Planning & Policy Work Programme**

**From:** Ben Lee, Planning and Policy Manager

**Authorised by Group Manager/s:** Ben Lee, Planning and Policy Manager, on

## Whakarāpopototanga | Executive Summary

The following table sets out the work programme for the Planning and Policy team<sup>1</sup> for the next three years. It only includes work relevant to the Planning & Regulatory Working Party's ToR.

Activity	Detail	When
<b>Coastal occupation charging</b>	Council have decided this is not a priority given the significant amount of work in the planning space at the moment and the uncertainty with coastal occupation charging under the resource management reform legislation. Council agreed to reassess once the new Natural and Built Environment Act is released (next year).	Next year
<b>Northland to Auckland corridor plan</b>	This project is led by the Ministry of Housing and Urban Development. The outcome is a spatial plan focussing on high growth areas in Northland and the connection with Auckland.  The Ministry of Housing and Urban Development (who were leading the project) have decided to not proceed with the project. A key reason being it has been difficult to persuade iwi that it is a priority project to be involved in.	NA
<b>Proposed Regional Plan appeals</b>	Refer separate agenda item	Refer separate agenda item
<b>TOAT Beach Board (90 Mile Beach)</b>	Beach management plan now operative. Planning and Policy staff have lessened their involvement as the focus moves to implementation.  The Beach Management Plan contains a range of actions, including seeking council to undertake a plan change to the Regional Plan to, amongst other things, recognise the significant values of Te Oneroa-a-Tōhe.  Te Oneroa-a-Tōhe Board are currently doing some work on mapping significant cultural areas. This work is to be completed before embarking on the plan change. Council has yet to consider when it would undertake the plan change. It is likely this decision will be brought to the new council.	Advice to board – ongoing  Council direction – early 2023

<sup>1</sup> 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
<b>Wetland mapping</b>	<p>The National Policy Statement for Freshwater Management requires council to map wetlands 500m<sup>2</sup> and larger.</p> <p>A contract was signed early June to map wetlands for the region, with the aim to complete this time next year. The mapping is being done in stages, starting with the Kaipara Harbour catchment, which will assist the Kaipara Mona Remediation Programme's efforts.</p> <p>TTMAC have been updated on the project.</p>	Complete mid 2023
<b>Freshwater plan change</b>	<p>TWWAG have completed their Stage 1 report. The consultants are working with the Tangata Whenua Water Advisory Group (TWWAG) on their Stage 2 Freshwater Plan change recommendations report due in September 2022.</p> <p>TWWAG's draft recommendations on tangata whenua engagement are due to be presented to TTMAC at their August meetings.</p> <p>TWWAG are commissioning case studies to provide context, lessons learnt and best practice examples in relation to freshwater management from a tangata whenua perspective. The request for proposals has closed, proposals are being evaluated and award of the contract is imminent.</p> <p>The Primary Sector Liaison Group (PSLG) are progressing their feedback on the Freshwater Plan change framework, a full-day workshop is scheduled for August, final report due September 2022.</p> <p>The Freshwater Plan Change framework has been presented to key stakeholders (e.g., District Councils, DoC, Forest &amp; Bird, Fish &amp; Game, Northland DHB). Limited feedback to date. NRC is engaging with a number of other iwi/hapū and stakeholders on the Freshwater Plan change including the Wai Māori group, Auckland Regional Council and recipients of MfE's Te Mana o te Wai funding.</p> <p>The results of NIWA's scenario modelling have been presented to council &amp; PSLG. Will be presented to TWWAG once non-disclosure agreements have been signed</p> <p>NRC has developed a communication plan for the Freshwater Plan change. An awareness campaign is underway, and the website has been update.</p> <p><a href="https://www.nrc.govt.nz/environment/new-freshwater-rules/">https://www.nrc.govt.nz/environment/new-freshwater-rules/</a></p>	Ongoing

Activity	Detail	When
<b>NRC input into national proposals</b>	<p>The two most significant submissions council has made recently were on:</p> <ul style="list-style-type: none"> <li>the combined consultation on exposure drafts of changes to the National Environmental Standards for Freshwater (NES-F) and the National Policy Statement for Freshwater management 2020 (NPS-FM), and</li> <li>the National Policy Statement for Indigenous Biodiversity (NPS-IB). Copies of both submissions were circulated to TTMAC for feedback and information.</li> </ul> <p>The exposure draft of the NES-F/NPS-FM was to address some technical issues and wetland provisions. Notably, the application of the NES-F to coastal wetlands was not addressed. The Ministry for the Environment have indicated that there will be a separate process for coastal wetlands in the next month or so.</p> <p>The NPS-IB will be a new national policy statement. It will bring new requirements for how councils manage biodiversity, including a requirement for councils to map significant natural areas (SNAs) and to develop regional biodiversity strategies.</p>	Ongoing
<b>District plan changes and consents</b>	<p>Council made a submission on the Pakiri sand mining resource consent application (Auckland Council). A hearing is scheduled to begin on 27 July and run through until 1 September. Notably, the recommendation from the processing officer is to decline the application principally because of impacts on tangata whenua values. Staff are not intending to attend the hearing as there is nothing more to add to the submission.</p> <p>NRC's policy and hazards team have been involved in providing advice on a proposed subdivision application at Taipa. The site is subject to coastal and river hazards and subdivision is considered to potentially increase the impact of these hazards. We understand that FNDC are notifying the application on a limited basis due to our hazard concerns.</p> <p>Kaipara District Council will soon release an exposure draft of their district plan.</p> <p>The Far North District Council is expected to notify its proposed district plan on 27 July 2022 and the submission period closing on 21 October 2022.</p>	Ongoing
<b>Treaty settlement process</b>	Supporting Treaty settlements as there are implications for council's activities. Currently involved in the Kaipara Moana settlement process.	Ongoing
<b>Regional Plan guidance material</b>	The council's website has recently been updated to provide summarised information on rules affecting farmers such as keeping stock out of water ways and wetlands – see <a href="#">Farmers Hub</a> .	Ongoing
<b>Mana Whakahono o Rohe (MWR)</b>	The Policy and Planning Team are assisting Māori Relationships team with roll-out of joint hapū MWR and development of implementation plans as required.	Ongoing
<b>RPS – five-year review</b>	Barker and Associates (David Badham and Makarena Dalton) have been contracted to assist MTAG with a tangata whenua focussed review of the RPS. Staff are likely to begin work on the review in the coming months.	MTAG review complete Dec 2022

Activity	Detail	When
<b>Te Mana o Te Wai</b>	<p>Council has budgeted \$250k/year to support tangata whenua involvement in freshwater management. Council has approved (upon TTMAC's advice) for the funding over the next few years to go towards assisting with the tangata whenua involvement in the freshwater planning process, and developing and implementing a Matauranga Freshwater Framework.</p> <p>Regarding the later, staff will be seeking MTAGs advice on the scope of the framework, which will then go to TTMAC to endorse to council. Planning and Policy staff are working jointly with monitoring and compliance staff on this project.</p>	MTAG meeting 4 Aug
<b>Regional Biodiversity Strategy</b>	<p>The NPS Indigenous Biodiversity (NPS-IB) is anticipated late 2022, following delays and release of an exposure draft in June. Until the NPS-IB gazettal, there are risks that processes required of council may change, particularly partnerships with specific other parties. Dependent on other workload priorities, staff will initially focus on developing an internal council strategy for biodiversity, much like our strategy for tackling climate change. This would act as a stopgap until there is clear national direction and recognising that it may take some years to develop a Regional Biodiversity Strategy. It would also help in the way biodiversity is taken into account in council work. The Biosecurity and Biodiversity Working Party supported this approach, given other work priorities</p>	2022 – 2023

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### Ngā mahi tūtohutia | Recommended Actions

Nil – presented for information purposes only.

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### Tuhinga | Background

Not applicable.

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### Ngā tapirihanga / Attachments

Nil

**TITLE:** Proposed Regional Plan - Appeals Update

**From:** Michael Payne, Policy Specialist

**Authorised by** Ben Lee, Planning and Policy Manager, on 26 July 2022  
**Group Manager/s:**

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## Whakarāpopototanga | Executive Summary

Since the last Working Party update the Environment Court has released decisions on:

- **Topic 1A Aquaculture** - The provisions controlling aquaculture were appealed by a number of parties seeking both more and less restrictive provisions. Appeals were resolved without hearing with the Environment Court issuing a consent order on 20 July 2022.
- **Topic 1 - Capital dredging and Marsden Point Port Zone** – Parties reached agreement on appeals by Refining New Zealand / Channel Infrastructure in relation to rules controlling capital dredging and the extent of the Marsden Point Port Zone (MPPZ). Parties agreed to retain the rules adopted by council for capital dredging without amendment. Minor amendments were made to the MPPZ, expanding the zone northward to include the current ship berthing area and east to cover an area where NRC has granted resource consent to dredge for ship berthing. The Court accepted the parties’ recommendations and issued consent documents on 21 July 2022.
- **Topic 16 Livestock exclusion** - This final decision resolves appeals relating to livestock exclusion, and the definition of inanga spawning site. The Court found in favour of Council, the Minister of Conservation and Forest and Bird. Livestock must be effectively excluded from inanga spawning sites.
- **Topic 7 Discharges to land and Topic 9 Landuse and disturbance** - This is a final decision on permitted activities for land preparation (C.8.2.1), Earthworks (C.8.3.1) and vegetation clearance and coastal dune restoration (C.8.4.1). The Environment Court issued its decision on 30 June 2022.
- **Mangrove removal** - This is an interim decision on the provisions controlling mangrove removal. Overall, the Court has largely agreed with the provisions put forward by the council however there are instances where the Court was persuaded by evidence put forward by other parties meaning that some provisions become more enabling or more restrictive. Staff are working on final wording which will be submitted to the court in due course.

### Other appeals and next steps

Staff continue to work towards resolving the remaining appeals on a range of topics. Key points arising since the last report are:

- *Topic 1 (Vehicles on Beaches)* – Parties are scheduled to discuss these appeals at mediation on 27 July with a view to advise the Environment Court if a hearing should be scheduled or alternatively if parties believe the appeals can be resolved without a hearing.
- **Topic 1 (Coastal activities)** council staff circulated a suite of 22 rules, six policies, one objective, six definitions and maps to the appellants and Section 274 parties. We expect to file signed consent documents with the Environment Court imminently. The provisions relate to the management of coastal structures and how vessels use Northlands coastal marine area.
- **Topic 1 (Significant Ecological Areas & Significant Bird Areas)** - CEP Services and Forest & Bird have a number of appeal points relating to how SEAs and SBAs are addressed in the coastal rules. Staff have been working with the parties to resolve these appeals. Feedback to date has been encouraging that these appeals may be resolved without hearing. However, there are still several

issues that require further investigation. Council is due to report progress to the Environment Court by 29 July.

- Topic 17 (Outstanding Natural Landscapes) - A workshop with council was held on 21 June to consider the next steps on mapping of Outstanding Natural Landscapes in the Coastal Marine Area. Following this, discussions have been held with the Department of Conservation as an appeal party to consider further options. The court has directed Council to provide a progress report by 31 August 2022.
- Topic 6 (Damming and diversion of water) - The Council, Minister of Conservation and Horticulture New Zealand have reached agreement on the two outstanding provisions in Topic 6: Rule C.4.1.1 *Land drainage – permitted activity* and Rule C.4.1.9 *Land drainage and flood control general conditions*. Staff have sought confirmation from the interested parties (Federated Farmers, Forest & Bird and Northland District Health Board) that they agree with the amendments proposed. Federated Farmers has raised a query. We remain hopeful that the provisions will be resolved by agreement.
- Topic 10 (Infrastructure and energy) – Appeals within Topic 10 are largely resolved with the only remaining appeals on Policy D.2.9 which give direction on when adverse effect arising from Regionally Significant Infrastructure are appropriate. Parties are considering revisions to the policy and staff are hopeful that these appeals will be resolved soon.
- Other matters - There are several other relatively minor appeals points that staff continue to work towards resolution with parties. The Council is to provide a further report on progress on the remaining outstanding provisions in Topic 1, Topic 6, Topic 10 and Topic 14 (other than the marine protected areas) by 30 September 2022.
- Plan updates - Staff continue rolling updates to the Proposed Regional Plan online as final decisions are issued to the court.

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### Ngā mahi tūtohutia | Recommended Actions

Nil – presented for information purposes only.

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### Ngā tapirihanga / Attachments

Nil